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Sup Ct

Vol. I
TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

No. 235

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

LINK-BELT COMPANY

No. 236

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

INDEPENDENT UNION OF CRAFTSMEN

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT
COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR CERTIORARI FILED JULY 12, 1940.

CERTIORARI GRANTED OCTOBER 14, 1940

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IN THE
United States Circuit Court of Appeals
For the Seventh Circuit

LINK-BELT COMPANY, A CORPORATION,
Petitioner,
No. 6974 *vs.*
NATIONAL LABOR RELATIONS BOARD,
Respondent.

INDEPENDENT UNION OF CRAFTSMEN,
Petitioner,
No. 7102 *vs.*
NATIONAL LABOR RELATIONS BOARD AND LINK-
BELT COMPANY,
Respondent.

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Counsel for Independent Union of Craftsmen:

MR. BENJAMIN WHAM.

Counsel for National Labor Relations Board:

MR. CHARLES FAHY,

MR. ROBERT B. WATTS.

**Petitions for Review and Request for Enforcement of
Order of the National Labor Relations Board.**

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INDEX.

Petition of Link Belt Company to review and set aside an order of the National Labor Relations Board	1
Appendix A—Further particulars in connection with subparagraph (15) of paragraph 16 of petition	23
Appendix B—Further particulars in connection with subparagraph (17) of paragraph 16 of petition	31
Appendix C—Further particulars in connection with subparagraphs (19) and (21) of paragraph 16 of petition.....	33
Appendix D—Further particulars in connection with subparagraph (23) of paragraph 16 of petition	36
Appendix E—Further particulars in connection with subparagraph (28) of paragraph 15 of petition	38
Appendix F—Further particulars in connection with subparagraph (30) of paragraph 16 of petition	39
Answer of the National Labor Relations Board to petition of Link Belt Co. for review, and request for enforcement of order.....	39
Petition of Independent Union of Craftsmen to review and modify an order of the National Labor Relations Board	45
Answer of National Labor Relations Board to petition of Independent Union of Craftsmen to review order	54a

PROCEEDINGS BEFORE NATIONAL LABOR RELATIONS BOARD.

Complaint	55
Rules and Regulations of the National Labor Relations Board	61
Order of Mar. 11, 1938, designating Trial Examiner.	90
Charge—second amended	91
Affidavits of service	93
Post Office return receipts	94-95
Answer of respondent to complaint	96
Motion for intervention by Independent Union of Craftsmen and Local Lodge No. 1 thereof	99

PROCEEDINGS BEFORE TRIAL EXAMINER.

Colloquy	102, 106, 925, 1287
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WITNESSES FOR NATIONAL LABOR RELATIONS BOARD.

Abbott, O. R.	582
Balcauski, Stanley	656
Berry, Edward L.	109
Bozurich, Paul	421, 1235, 1290
Cousland, James	112
Cumorich, Nick	409, 1218
Johnson, Fred	312
Johnson, Harry	569, 1265
Kachka, Alex	361
Kalamarie, John	621, 1208, 1222
Karbol, Mike	560, 1225
Lackhouse, Frank	279
Lackhouse, Joseph	527
Novak, Joseph E.	216, 697, 1214
Pronsktes, Dominick	639

Robinson, Julius	549
Salmons, Louis	142, 228, 1228
Solinko, Frank	264
Solinko, Pete	241
Sorensen, Nels Carl	370
Sullivan, Donald	343
Thomas, Joseph	540
Tomas, John	353
White, Edward	347

WITNESSES FOR INTERVENER (INDEPENDENT UNION OF CRAFTSMEN).

Bailey, John W.	879
Balton, Walter	878
Brucks, Hubert	828
De Runtz, Leo	891
Erickson, Russell Paul	882
Friberg, Alvin N.	835
Froling, Ray	809
Greenlee, William J.	874
Jamison, Edgar E.	924
Jeske, Joseph	901
Johnston, Archibald	920
Kowatch, John J.	856
Kresge, Ralph C.	869
Kubicki, Frank	903
Linde, George F.	712, 1267
Litster, John	789
Lubenkov, John	906
Nordine, August	917
Richards, William C.	896
Rosenbaum, Arthur H.	848
Ross, Arthur B.	104, 830, 1207
Smith, Edward	894

Speiser, Joseph	911
Sterling, William	888
Szabo, Joseph	915
Workman, John L.	899

WITNESSES FOR RESPONDENT.

Berry, Edward L.	1125
Carlson, Fred	999
Conroy, William A.	1122
Elsen, John J.	1040
Forss, Joseph	1005
Leonard, Charles	1002, 1097
Masilionis, Mike	1012
McKinney, Ed L.	1062, 1095
Morley, William A.	1018
Olson, Axel E.	1044
Peters, William	1027, 1270
Pyle, Fred L.	1015
Siskauskis, William	1049
Skeates, Fred B.	928, 1107, 1283
Staskey, S. A.	992
Wright, Edgar Wellington	1057

NATIONAL LABOR RELATIONS BOARD EXHIBITS.

1—Complaint with copy of Wagner Act and Rules and Regulations of N. L. R. B. attached.....	55
Second amended charge filed March 1, 1938.....	91
Affidavit of Service on respondent and I. U. of C.	93
Affidavit of Service on Lodge 1604 (C. I. O.)....	93
Answer of Respondent to Complaint.....	96
Motion for intervention by Independent Union of Craftsmen and Local Lodge No. 1.....	99
Order designating trial examiner	90

2—Stipulation signed by Reynolds (attorney for Board) and Berry re incorporation and interstate commerce	1291
3—Report of Senate Committee on Education and Labor re industrial espionage (excerpts from) ..	1293
4—Hearings before Senate Committee on Education and Labor re industrial espionage (excerpts from)	1294
5—Constitution and By-laws of Employees' Board ..	1296
6—Minutes of meetings of Employees' Board of May 26, 1935, Mar. 31, 1936, April 28, 1936, May 26, 1936, and June 30, 1936	1301
7—Social Security card for Waldemar Bjork	1307
8—Social Security card for Louis Salmons	1307
9—Vouchers showing payments from S. W. O. C. for organizing services for period Sept. 28, 1936, to Dec. 21, 1936	1309
10—Agreement between Link Belt Co. and Independent Union of Craftsmen, dated Apr. 21, 1937	1311
11—Statement headed "Withdrawal" signed by Louis Salmons at Board offices 2 or 3 days before he returned to work	1312
12—Affidavit of Frank Solinko re circumstances under which he joined I. U. of C.	1312
13—White membership application card of Independent Union of Craftsmen	1313
14—Karpen & Bros. Furniture Co. income tax report re Nick Cumorich for 1937 (\$425.00)	1313
16—Proposed constitution of Independent Union of Craftsmen	1314
17—Proposed By-laws of Independent Union of Craftsmen	1317
18—Correspondence between Link Belt and National Metal Trade Ass'n between June 9, 1933, and April 30, 1937	1321-1336

18-A—Document, "Some Questions and Answers Covering the Wagner Act".....	1336
19—Invoice of Link Belt	1339
20 Notice of meeting of I. U. of C. of June 1, 1937..	1340
21—Notice of I. U. of C. re election of girl stewards.	1340
22—Notice of meeting of I. U. of C. of April 22, 1937	1340
23—Notice of I. U. of C. that initiation fee of \$3 would be imposed if not signed up by Sept. 1, 1937	1340

RESPONDENT'S EXHIBITS.

1—Blueprint of Link Belt plant showing departments prior to remodeling	1343
2—Notice dated April 12, 1937, signed by Berry re circulating false information concerning pay increases	1345
3—Notice of dissolution of Employees' Board dated April 19, 1937, signed by Berry for company and members of Employees' Board	1345
4—Summary of Iron Foundry operation (14 sheets).	1346
5—Summary of Steel Foundry operation (14 sheets).	1360
6- 6A—Steel cleaning floor seniority table....	1374-1383
7- 7A—Iron floor seniority table	1375-1384
8- 8A—Core room seniority table	1376-1385
9- 9A—Apprentices' seniority table	1376-1386
10-10A—Carpenters' seniority table.....	1377-1386
11-11A—Charging floor and cupula seniority table... ..	1377-1387
12-12A—Sprocket floor seniority table.....	1378-1387
13-13A—Bench floor seniority table.....	1378-1388
14-14A—Machine floor seniority table.....	1379-1388
15-15A—Steel floor seniority table.....	1379-1389
16-16A—Iron cleaning floor seniority table.....	1380-1390

17-17A—Night shakeout seniority table.....	1381-1391
18-18A—Converter seniority table	1381-1391
19-19A—Patternshop seniority table	1382-1392
20—Store issue for I. U. of C bulletin boards.....	1393
24—Belov time cards (7)	1395
25—Boring mill (DMK) seniority table.....	1411
26—S. W. O. C. application card signed by Louis Salmons	1412
27—Notice dissolving N. R. A. Union dated 4-19-37...	1413
28—Letter, Apr. 21, 1937, Kaufman to Berry author- izing him to recognize I. U. of Craftsmen.....	1413.
29—Letter, May 7, 1937, I. U. of C. to Berry request- ing agreement to start negotiations for working contract	1414
30—Chart showing Mani System.....	1415
31—Comparison of Mike Karbol with other men....	1419
32—Comparison of Nick Cumorich against Mani Sys- tem	1419
33—Labor time card	1417

EXHIBITS OF INTERVENER, INDEPENDENT UNION OF CRAFTSMEN.

1—Agreement dated April 21, 1937, between Link Belt and I. U. of C. recognizing I. U. of C. as exclusive representative of all employees.....	1420
2-2A—I. U. of C. application lists and 101 white cards containing names	1420
3A-B—I. U. of C. white application cards (List of).	1430
4—By-laws adopted by general meeting.....	1440
5—By-laws adopted by stewards	1444
6—Articles of Incorporation of Independent Union of Craftsmen	1447
7—By-laws adopted after incorporation on Aug. 9, 1937	1451

8—Draft of contract with company with penciled notations made at conference	1457
9—Final draft agreed upon by Link Belt and I. U. of C. subject to approval	1460
10—Statement of policy of Link Belt dated Dec. 6, 1937.....	1464
11—Statement of vacation policy signed by Berry and dated Dec. 8, 1937	1467
Intermediate report	1469
Motion of Lodge 1604 of Amalgamated Association of Iron, Steel & Tin Workers for extension of time for filing exceptions to intermediate report.....	1488
Letter, May 20, 1938, N. L. R. B. to Lodge 1604.....	1489
Exceptions of respondent to record and intermediate report	1490
Exceptions by Independent Union of Craftsmen to intermediate report	1512
Exceptions of Lodge 1604 of Amalgamated Association of Iron, Steel & Tin Workers to intermediate report	1516
Notice of hearing before National Labor Relations Board	1517
Letter, Nov. 21, 1938, N. L. R. B. to Pope & Ballard ..	1518
Hearing Dec. 20, 1938.....	1519
Decision filed May 12, 1939.....	1519
Statement of the case	1520
Findings of fact	1523
Conclusions of law	1553
Order to cease and desist, etc., entered May 12, 1939.....	1553
Post-Office return receipts	1556-1558
Affidavit as to service	1559
Certificate of National Labor Relations Board.....	1560

Proceedings in U. S. C. C. A., Seventh Circuit.....	1562
Stipulation as to record and consolidation for purpose of argument.....	1562
Opinion, Kerner, J.,.....	1565
Opinion, Treanor, J., concurring in part and dissenting in part.....	1574
Judgment order.....	1580
Decree.....	1581
Clerk's certificate.....	1582
Orders allowing certiorari.....	1584

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Petition to Review Order.

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And on, to wit, the 25th day of May, 1939, there was filed in the office of the Clerk of the United States Circuit Court of Appeals for the Seventh Circuit the following Petition to review and set aside an order of the National Labor Relations Board, to wit:

Filed
May 25,
1939.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS,

For the Seventh Circuit,

October Term, 1938.

Link-Belt Company,

Petitioner,

vs.

National Labor Relations Board,

Respondent.

No. 6974.

PETITION TO REVIEW AND SET ASIDE AN
ORDER OF THE NATIONAL LABOR RELATIONS
BOARD.

Filed May 25, 1939, Frederick G. Campbell, Clerk.

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May 25, 1939.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS.
(Caption—6974)

**PETITION TO REVIEW AND SET ASIDE AN
ORDER OF THE NATIONAL LABOR RELATIONS
BOARD.**

To the Honorable, the Judges of the United States Circuit Court of Appeals for the Seventh Circuit:

Link-Belt Company, an Illinois corporation, believing itself to be aggrieved by a certain order issued on May 12, 1939, by the National Labor Relations Board (hereinafter sometimes referred to as the Board) in a proceeding against petitioner appearing upon the docket of the Board as Case No. C-607, In the Matter of Link-Belt Company and Lodge 1604 of Amalgamated Association of Iron, Steel and Tin Workers of North America, through the Steel Workers Organizing Committee, affiliated with the Committee for Industrial Organization, respectfully petitions this Honorable Court to review and set aside said order and, in support of its petition, respectfully represents that:

Parties and Jurisdiction.

1. Petitioner is, and at all times mentioned herein was, a corporation duly organized and existing under the laws of the State of Illinois and duly licensed to transact business in said state, having its principal place of business in Chicago, Illinois. Petitioner maintains and operates, and at all times herein mentioned has maintained and operated, seven plants directly and four plants indirectly throughout the United States and Canada, including a plant at 300 West Pershing Road, Chicago, Illinois (hereinafter sometimes referred to as the 39th Street plant or the Pershing Road plant), at which it engages in complete steel and iron foundry operations in the production of cranes, shovels, drag lines, mining conveyors, dumps, washers and dryers, handling and preparation equipment for factories and foundries, mine tipples and miscellaneous other steel construction.

2. Respondent is a public body known as the National Labor Relations Board created pursuant to the Act of Congress of July 25, 1935, Ch. 372, 49 Stat. 449, 29 U. S.

C. A. §§ 151-166 (hereinafter referred to as the National Labor Relations Act, or the Act). The members of said Board are J. Warren Madden, Chairman, Edwin S. Smith and Donald Wakefield Smith, and its principal office is in Washington, District of Columbia. At Chicago, Illinois, the Board has an office and a Regional Director. Said Regional Director has charge of the Thirteenth Region of the Board and petitioner's 39th Street plant is located within said Region.

3. The alleged unfair labor practices complained of in said proceedings before the Board were alleged to have been committed at petitioner's 39th Street plant. Said plant is located in the Seventh Judicial Circuit of the United States and within the jurisdiction of this Court.

4. By reason of the matters alleged in paragraphs 1, 2 and 3 hereof, this Court has jurisdiction of this petition by virtue of section 10 (f) of the National Labor Relations Act; 29 U. S. C. A. § 160 (f).

Proceedings Before the Board.

5. On March 4, 1938, the acting Regional Director of the Board for the Thirteenth Region issued and filed a complaint against petitioner in the aforesaid proceeding, which complaint was based on a second amended charge filed with the Board by Lodge 1604 of the Amalgamated Association of Iron, Steel and Tin Workers of North America through Steel Workers Organizing Committee, affiliated with the Committee for Industrial Organization (hereinafter referred to as the Amalgamated), together with a notice of hearing. Said complaint alleged that petitioner herein had engaged in and was engaging in unfair labor practices affecting commerce within the meaning of section 8, subdivisions (1), (2) and (3), and section 2, subdivisions (6) and (7) of the National Labor Relations Act, as follows:

That petitioner on or about April 19, 1937, did instigate the formation of a labor organization among its employees known as the Independent Union of Craftsmen (hereinafter referred to as the Independent) and from that date to the date of the filing of the complaint petitioner advised, urged and warned its employees to join the Independent and otherwise fostered, promoted and encouraged the formation and growth of the Independent and dominated and interfered with the administration of the Independent and contributed financial and other support

thereto, and on or about April 21, 1937, recognized the Independent as the sole bargaining agent for all of the employees in its 39th Street plant, and by such acts and each of them petitioner engaged in and is engaging in unfair labor practices within the meaning of section 8, subdivision (2) of the Act (par. 5);

That petitioner on October 1, 1936, discharged Nels Carl Sorenson; on May 19, 1937, discharged Nick Cumorich and Mike Karbel; on November 9, 1937, discharged Paul Bozurich; on November 17, 1937, discharged Stanley Balcauski; on November 30, 1937, discharged John Kalamarie; and on December 8, 1937, discharged Harry Johnson, and has at all times since those dates refused to reemploy said persons and each of them for the reason that they and each of them joined and assisted the Amalgamated and engaged in concerted activities with other employees of petitioner for the purpose of collective bargaining and other mutual aid and protection (par. 6);

That petitioner on or about September 21, 1936, discharged Louis Salmons and on or about September 28, 1936, discharged Joseph E. Novak, and from on or about September 21, 1936, to December 21, 1936, refused and failed to reinstate to employment Louis Salmons and from on or about September 28, 1936, to January 13, 1937, refused and failed to reinstate to employment Joseph E. Novak, and that petitioner discharged and refused and failed to employ said Louis Salmons and Joseph E. Novak during said respective periods for the reason that they and each of them joined and assisted the union and engaged in concerted activities with other employees in the plant for the purpose of collective bargaining and other mutual aid and protection (par. 7);

That petitioner on or about December 21, 1936, reinstated Louis Salmons to his former position and on or about January 13, 1937, reinstated Joseph E. Novak to his former position on the condition that they and each of them at all times, under all conditions and in all places would refrain from further labor union activity or membership in labor organizations (par. 8);

That petitioner on or about May 20, 1937, hired Frank Solinko, son of Peter Solinko, an employee of petitioner, on condition that Peter Solinko become a member of the Independent (par. 9);

That by reason of the acts set forth above (pars. 6 and 7) petitioner discriminated and is discriminating in regard to the hire and tenure of employment of Nels Carl

Sorenson, Nick Cumorich, Mike Karbel, Paul Bozurich, Stanley Balcauski, John Kalamarie, Harry Johnson, Louis Salmons and Joseph E. Novak, and each of them, and by reason of the acts set forth above (pars. 8 and 9) petitioner discriminated and is discriminating in regard to the terms and conditions of employment of Louis Salmons, Joseph E. Novak, Peter Solinko and Frank Solinko, and by the acts set forth above (pars. 6, 7, 8 and 9), and each of them petitioner discouraged and is discouraging membership in the Amalgamated, and by the acts set forth above (par. 9) petitioner encouraged and is encouraging membership in the Independent, and did thereby engage in and is thereby engaging in unfair labor practices within the meaning of section 8, subdivision (3) of the Act (par. 10);

That petitioner from on or about April 19, 1937, to the date of the filing of the complaint promised to employ its workers more days per week and more hours per day in the event that they all became members of the Independent, and on or about April 20, 1937, petitioner signed the names of many of its employees without the authorization of such employees to petitions which were circulated soliciting membership in the Independent (par. 11);

That prior to 1933 petitioner became a member of the National Metal Trades Association, which membership continued from that time to the issuance of the complaint, and that petitioner from on or about March 1, 1933, and continuously from then to the issuance of the complaint, accepted and used plant operatives provided by the National Metal Trades Association for the purpose of espionage in relation to union affiliation and/or activity of its employees, and by these acts, by the acts set forth above (pars. 5, 6, 7, 8, 9 and 11) and by other acts petitioner interfered with, restrained and coerced and is interfering with, restraining and coercing its employees in the exercise of the rights guaranteed them in section 7 of the Act (par. 12);

That petitioner by the acts set forth above (pars. 5, 6, 7, 8, 9, 11 and 12) and each of them engaged in and is engaging in unfair labor practices within the meaning of section 8, subdivision (1) of the Act (par. 13);

That petitioner's acts set forth above (pars. 5, 6, 7, 8, 9, 11 and 12), occurring in the operation of petitioner's 39th Street plant, have a close, intimate and substantial relation to trade, traffic and commerce among the several states and have led to and tend to lead to labor disputes

burdening and obstructing commerce and the free flow thereof (par. 14); and

That petitioner's acts set forth above (pars. 5, 6, 7, 8, 9, 11 and 12) constitute unfair labor practices affecting commerce within the meaning of section 8, subdivisions (1), (2) and (3), and section 2, subdivisions (6) and (7) of the Act (par. 15).

6. Said complaint, the second amended charge upon which the same was based and a notice of hearing before a trial examiner were served upon petitioner on March 4, 1938. On March 11, 1938, petitioner filed its answer to the complaint denying that it had engaged in or was engaging in unfair labor practices as alleged, admitting that it had recognized the Independent as the sole agent for the purpose of collective bargaining for petitioner's employees in a unit appropriate for that purpose and making the following affirmative allegations:

That Nels Carl Sorenson was discharged by petitioner on or about October 1, 1936, for failure to perform his duties in an efficient and workmanlike manner and because he persistently wasted time and interrupted his fellow-employees in the performance of their duties;

That Nick Cumorich and Mike Karbel were discharged on or about May 19, 1937, because each of them was and persisted in continuing to be an inefficient and inferior workman, unwilling or incapable of properly performing his duties for which he was employed;

That Paul Bozurich, Stanley Balcauski, John Kalamarie and Harry Johnson, along with a large number of other employees, were laid off due to reduced operations and necessary reduction in working forces;

That Louis Salmons was discharged on or about September 21, 1936, for good and sufficient cause and reinstated on or about December 21, 1936, upon the suggestion of the then Regional Director for the Thirteenth Region;

That Joseph E. Novak was discharged on or about September 28, 1936, for good and sufficient cause and thereafter was reinstated to his former employment; and

That the Amalgamated, and each of the persons named in the complaint to have been discriminatorily discharged by petitioner, was guilty of laches in that an unreasonable length of time elapsed between the alleged discriminatory acts of petitioner and the service of the complaint upon the petitioner.

7. Pursuant to said notice of hearing, said complaint came on for hearing at Chicago, Illinois, March 14, 1938,

before Hugh C. McCarthy, an agent of the Board designated by the Board as Trial Examiner for said hearing, and was heard by said Trial Examiner on March 14, 15, 16, 17, 18, 19, 21, 22 and 23, 1938. At said hearing the Independent was permitted to intervene on certain issues. The Board appeared by its attorney and offered evidence in support of the charges of the complaint, and petitioner appeared by its attorneys and offered evidence in refutation of said charges.

8. On March 18, 1938, at the close of the evidence in behalf of the Board, counsel for the Board moved to amend the complaint (pars. 7 and 8) in the following respects:

That petitioner on or about September 21, 1936, discharged Louis Salmons and Joseph E. Novak, that petitioner from on or about September 21, 1936, to December 21, 1936, refused and failed to reinstate to employment Louis Salmons and from on or about September 21, 1936, to on or about January 13, 1937, refused and failed to reinstate to employment Joseph E. Novak, and that petitioner discharged and refused and failed to employ said Louis Salmons and Joseph E. Novak during said respective periods for the reason that Louis Salmons had engaged in organizing activities for the Amalgamated and had engaged in concerted activities with other employees for the purpose of collective bargaining and other mutual aid and protection and for the reason that said Joseph E. Novak was believed by petitioner to have engaged in organizing activities in behalf of the Amalgamated similar to those engaged in by Louis Salmons; and

That petitioner on or about December 21, 1936, reinstated Louis Salmons to a different position in which he worked a fewer number of hours than prior to his discharge and fewer hours than other employees who performed similar work before his discharge and after his reinstatement, and that petitioner on or about January 13, 1937, reinstated Joseph E. Novak to his former position on condition that he would at all times, under all conditions and in all places refrain from union organizing and activity in labor organizations.

The Trial Examiner allowed said amendment over the objection of petitioner and, as will be hereinafter alleged, the Board erroneously sustained the Examiner's ruling thereon.

9. On May 11, 1938, petitioner was served with an intermediate report in said proceedings issued by Trial

Petition to Review Order.

Examiner Hugh C. McCarthy which contained proposed findings of fact, proposed conclusions of law and a proposed order.

10. On May 21, 1938, petitioner filed with the Board its exceptions to the record and intermediate report issued by the Trial Examiner and requested oral argument and permission to file a brief in support of exceptions, and on July 19, 1938, petitioner filed with the Board its brief in support of said exceptions to the record and intermediate report.

11. On November 22, 1938, petitioner received notice that it had been granted until December 19, 1938, for the purpose of filing a brief and that the matter was set for oral argument before the Board on December 20, 1938.

12. On December 20, 1938, the matter came on for oral argument before the Board and was argued by counsel for petitioner and counsel for the Independent. Counsel for the Board did not participate in the argument.

Order to Be Reviewed.

13. On May 12, 1939, the Board filed its decision, findings of fact and conclusions of law, and issued its order on said complaint. In said decision the Board stated that it had reviewed the rulings of the Trial Examiner on motions and on objections to the admission of evidence, found no prejudicial errors had been committed in said rulings, with one exception, and affirmed all of such rulings, with one exception.

14. The order of the Board issued as aforesaid required petitioner to

"1. Cease and desist from:

"(a) Dominating or interfering with the administration of Independent Union of Craftsmen, or the formation or administration of any other labor organization of its employees, or contributing support to Independent Union of Craftsmen, or any other labor organization of its employees;

"(b) Discouraging membership in Lodge 1604 of Amalgamated Association of Iron, Steel and Tin Workers of North America, or any other labor organization of its employees, by discharging or refusing to reinstate any of its employees or in any other manner discriminating in regard to their hire and tenure of employment or any terms or conditions of their employment;

"(c) Either directly or indirectly, engaging in any manner of espionage or surveillance, or engaging the service of any agency or individuals for the purposes of espionage or surveillance, upon its employees or upon any labor organization of its employees;

"(d) In any other manner interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purposes of collective bargaining or other mutual aid and protection, as guaranteed in Section 7 of the National Labor Relations Act.

"2. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

"(a) Withdraw all recognition from Independent Union of Craftsmen as representative of any of its employees at the 39th Street plant for the purpose of dealing with the respondent [petitioner] concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and completely disestablish Independent Union of Cratsmen as such representative;

"(b) Make whole Joseph E. Novak for any loss of pay he may have suffered by reason of the respondent's [petitioner's] discrimination in regard to his hire and tenure of employment, by payment to him of a sum of money equal to that which he normally would have earned as wages from the date of his discharge to the date of his reinstatement, less, his net earnings, other than earnings as a musician, during said period; deducting, however, from the amount otherwise due to him, monies received by him during said period for work performed upon Federal, State, county, municipal, or other work-relief projects; and pay over the amount so deducted to the appropriate fiscal agency of the Federal, State, county, municipal, or other government or governments which supplied the funds for said work-relief projects;

"(c) Offer to John Kalamarie, Mike Karbel, and Nick Cumorich immediate and full reinstatement to their former positions, without prejudice to their seniority and other rights and privileges;

"(d) Make whole John Kalamarie, Mike Karbel, and Nick Cumorich for any loss of pay they have suffered by reason of the respondent's [petitioner's] discrimination in regard to hire and tenure of employment, by repay-

Petition to Review Order.

ment to each of them, respectively, a sum of money equal to that which he would normally have earned as wages from the date of his discharge to the date of the respondent's [petitioner's] offer of reinstatement, less his net earnings during said period; deducting, however, from the amount otherwise due to each of said employees, monies received by said employees during said period for work performed upon Federal, State, county, municipal or other work-relief projects; and pay over the amount so deducted to the appropriate fiscal agency of the Federal, State, county, municipal, or other government or governments which supplied the funds for said work-relief projects;

"(e) Include Paul Bozurich, Harry Johnson, and Stanley Balcauski in the seniority list by classification which it maintains for all employees who were non-discriminatory laid off, and refrain from discriminating against Paul Bozurich, Harry Johnson, and Stanley Balcauski, when in accordance with its usual seniority rules, employment becomes available for any or all of them;

"(f) Post immediately notices in conspicuous places throughout the 39th Street plant, stating: (1) that the respondent [petitioner] will cease and desist as provided in paragraphs 1 (a), (b), (c), and (d) of this Order; (2) that the respondent [petitioner] will take the affirmative action provided for in paragraphs 2 (a), (b), (c), (d), and (e) of this Order;

"(g) Maintain such notices for a period of at least sixty (60) consecutive days from the date of posting;

"(h) Notify the Regional Director for the Thirteenth Region, in writing, within ten (10) days from the date of this Order what steps the respondent [petitioner] has taken to comply herewith."

and dismissed the allegations of the complaint to the effect that petitioner had engaged in unfair labor practices by discharging Nels Carl Sorenson and by laying off Paul Bozurich, Harry Johnson and Stanley Balcauski.

15. Said order of May 12, 1939, is a final order and petitioner is aggrieved by paragraphs 1 and 2 thereof, set forth above, for the reasons hereinafter stated.

Specification of Errors Relied On.

16. Said order is erroneous and beyond the power of the Board and in contravention of the National Labor Relations Act and of the Constitution of the United States and void and of no effect and should be annulled and set aside by this Honorable Court for the following reasons, to-wit:

(1) The Board appointed as the Trial Examiner to hear the complaint one Hugh C. McCarthy, who was prejudiced against petitioner and against petitioner's defense and was unable, by virtue of said prejudice, to accord to petitioner the full and fair hearing to which petitioner was entitled under section 10 (b) of the National Labor Relations Act.

(2) The hearing held before the Board's Trial Examiner as aforesaid was manifestly unfair and was inconsistent with the requirements of due process of law and did not constitute such a hearing as petitioner is entitled to under section 10 (b) of the National Labor Relations Act in the following particulars:

(a) The Trial Examiner made the following rulings during the course of the hearing which were adverse and prejudicial to the petitioner and its defense:

Motion of petitioner for bill of particulars (R. 8-11),* denied (R. 12).

Objection of petitioner (R. 85), overruled (R. 85).

Objection of petitioner (R. 100), overruled (R. 101).

Objection of petitioner (R. 102), overruled (R. 102).

Motion of petitioner to strike answer of witness (R. 103), denied (R. 103).

Objection of petitioner (R. 210), overruled (R. 210).

Objection of petitioner (R. 211), overruled (R. 211).

Objection of petitioner (R. 212), overruled (R. 212).

Objection of petitioner (R. 213), not ruled upon by Trial Examiner.

Motion of petitioner for subpoenas for Louis J. Disser and L. W. Beman (R. 225), denied (R. 226).

Objection of Board (R. 305), sustained (R. 305).

Objection of Board (R. 340), sustained (R. 340).

Objection of petitioner (R. 375), overruled (R. 376).

Objection of petitioner (R. 378), overruled (R. 379).

Objection of petitioner (R. 379), overruled (R. 379).

* References designated "R." are to pages of the Official Report of Proceedings before the National Labor Relations Board.

Objection of petitioner (R. 379), overruled (R. 379).

Objection of petitioner (R. 380), not ruled upon by Trial Examiner.

Motion of petitioner to strike answers of witness (R. 381-382); not ruled upon by Trial Examiner.

Motion of petitioner to strike answer of witness (R. 382), overruled (R. 382).

Motion of petitioner to strike testimony (R. 417), denied (R. 417).

Motion of petitioner to strike testimony (R. 432), denied (R. 432).

Motion of petitioner to strike testimony (R. 447), denied (R. 447).

Objection of petitioner (R. 454), denied (R. 454).

Motion of petitioner to strike testimony (R. 466), denied (R. 466).

Objection of petitioner (R. 569), overruled (R. 569).

Objection of petitioner (R. 616), overruled (R. 617).

Objection of Board (R. 627), sustained (R. 627).

Objection of Board (R. 630), sustained (R. 633, 634, 635, 636).

Objection of Board (R. 641), sustained (R. 642).

Objection of petitioner (R. 838), overruled (R. 838).

Objection of petitioner (R. 842), overruled (R. 843).

Objection of petitioner (R. 849), overruled (R. 850).

Objection of petitioner (R. 852), overruled (R. 852).

Objection of petitioner (R. 865), overruled (R. 865).

Objection of petitioner (R. 866), overruled (R. 866).

Objection interposed by Trial Examiner limiting cross-examination (R. 875-876).

Objection of petitioner (R. 895), overruled (R. 895).

Objection of petitioner (R. 896), overruled (R. 896).

Motion of petitioner to strike testimony (R. 946), denied (R. 946).

Objection interposed by Trial Examiner limiting scope of petitioner's cross-examination (R. 947-948).

Request of petitioner for Trial Examiner to require witness to answer questions (R. 1013-1014), denied (R. 1014).

Motion of Board to amend complaint (R. 1050), granted (R. 1050-1051).

Motion of petitioner to dismiss complaint and each and every paragraph thereof (R. 1052-1055), not ruled upon by Trial Examiner. Denied (R. 2049).

Motions of petitioner to strike testimony (R. 1053-

1054), not ruled upon by Trial Examiner. Denied (R. 2049).

Objection of petitioner (R. 1158), overruled (R. 1158).

Objection of Board (R. 1524), sustained (R. 1524).

Objection of Board (R. 1775), sustained (R. 1776).

Offer of proof by petitioner (R. 1777-1780), denied (R. 1781).

Objection of Board (R. 1848), sustained (R. 1849).

Objection of petitioner (R. 1921), overruled (R. 1922).

Request of petitioner for Trial Examiner to require witness to answer questions (R. 1976), denied (R. 1976).

Motion of petitioner that petitioner be dismissed from complaint and each and every paragraph thereof (R. 2049-2050), denied (R. 2050).

(b) The Trial Examiner without warrant interrupted and obstructed the examination and cross-examination of witnesses by petitioner's counsel, thereby preventing orderly, coherent and effective testimony and preventing the elicitation of facts which would support petitioner's defense, as evidenced at the following pages of the record:

133-4, 163-4; 228, 260-8; 296, 301, 303, 395, 626; 629, 630; 634-6, 640; 646; 699-728; 744; 746; 764-67; 768-771; 826; 875-76; 884-85; 938-941, 980; 986-8; 990; 994; 1003-14; 1285; 1339; 1466-1469; 1473-4; 1680-1; 1776, 1787-9; 1792-3; 1976, 1980-2; 1986-90, 1996, 2002-4.

(c) During the course of the purported hearing the Trial Examiner improperly and without warrant coached, aided and assisted counsel for the Board to the prejudice of the petitioner, as evidenced at the following pages of the record:

4; 71; 103; 210; 211; 212; 228; 243-50; 296; 303; 323; 380-1; 567; 593-98; 599; 601-6; 633; 635; 636; 640; 744; 798; 841; 855-7; 863-4; 947; 1506-1509; 1514-15; 1866-67; 2021; 2030-36.

(d) Said proceedings before the Trial Examiner were held and conducted in an arbitrary and unfair manner and without due process of law, and are therefore null and void and of no effect.

(3) The Board erred in finding and concluding (D. & O. 3)*:

• • • Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing

* References designated "D. & O." are to be pages of the typewritten copy of the decision and order of the Board dated May 12, 1939, which was served on petitioner.

on the issues was afforded all parties, subject, in the case of the Independent, to the reservation previously noted."

(4) The Trial Examiner erred in making rulings on evidence adverse to petitioner in the course of the hearing, to which petitioner duly excepted before the Board. Said rulings were numerous and those referred to in paragraph 2 (a) are illustrative of such rulings.

(5) The Board erred in finding and concluding (D. & O. 3) that with one exception no judicial errors were committed by the Trial Examiner in ruling on motions and on objections to the admission of evidence and in affirming said rulings and each of them so far as the same were adverse to petitioner, it being the intention of petitioner to allege error with respect to each such ruling adverse to petitioner as if the same were referred to and set out separately.

(6) The Board erred in finding and concluding (D. & O. 3) that there is no merit in petitioner's contention that the proceeding before the Board was barred by laches.

(7) The Board erred in failing to find that the proceeding before the Board was barred by laches.

(8) The Board erred in finding and concluding (D. & O. 4) that petitioner's exceptions to the intermediate report are without merit in so far as they are inconsistent with the findings, conclusions and order of the Board of May 12, 1939.

(9) The Board erred in treating the complaint (D. & O. 5-7) as presenting the question of the lawfulness of the employees' representation plan for petitioner's 39th Street plant.

(10) The Board erred in finding and holding as follows (D. & O. 5):

"... The respondent [petitioner], in purported compliance with the Act, established, at the 39th Street plant an employees' representation plan, herein called the plan, ..."

(11) The following finding and statement of the Board (D. & O. 6):

"... Further light is shed on the character of the board as a representative of the employees by the fact that two of the seven original board members were foremen." is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(12) The Board erred in finding and holding as follows (D. & O. 6):

“... There is no doubt that the Plan constitutes an employer-dominated labor organization within the meaning of the National Labor Relations Act, and at the hearing the respondent [petitioner] so conceded. Despite its patent illegality, however, the respondent [petitioner], ill-advised by counsel, maintained the Plan, until April 19, 1937, when it was abruptly discarded under circumstances to be discussed below.”

(13) The following finding and statement of the Board (D. & O. 6):

“... Some minor grievances were adjusted, but on the whole the board [under the employees' representation plan] was ineffectual. For example, the board was unable to induce the management's representative to take any action on such questions as wage increases or reduction of hours of work. The greatest concession that the board was able to obtain was to have an announcement made to it first whenever the respondent [petitioner] itself decided to grant wage increases.”

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(14) The following finding and statement of the Board (D. & O. 6-7):

“It is evident from what has been set forth that the employees' representative board was ineffective as a representative of the respondent's [petitioner's] employees. It did, however, provide a sounding board through which the respondent [petitioner] expressed its hostile views toward outside labor organizations; furthermore, the Plan itself had the inevitable effect of hampering self-organization of the respondent's [petitioner's] employees. The record reveals that on one occasion in the summer of 1936 the subject of outside labor organizations came up at a meeting of the employees' board, and the management representative, E. L. Berry, expressed himself freely on the subject, revealing his bias against such organizations, stating to the representatives that he would quit 'in the event outside people came into our plant and told us how to run the plant.' There can be no doubt that such statements, although made before the Amalgamated had started to organize at the 39th Street plant, intimidated the employees who heard them or to whom they may have been repeated, in that they served as a clear warning of the respondent's [petitioner's] attitude should an outside union appear on

the scene. Berry, when asked to explain his statements at the hearing, did not deny making them, but stated that he did not have the Amalgamated or the S.W.O.C. in mind, and that the respondent [petitioner] would deal with the Amalgamated if it were certified by the Board and if it adopted a 'reasonable attitude.' We are convinced, however, that Berry forcibly impressed upon the employees' board the respondent's [petitioner's] anti-union sentiments, for, as was admitted at the hearing, the respondent [petitioner] felt in no way inhibited by the Act until after April 12, 1937, when its constitutionality was upheld by the Supreme Court of the United States."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(15) The following finding and conclusion of the Board (D. & O. 17):

"We find that the respondent [petitioner] has dominated and interfered with the formation and administration of the Independent, and has contributed support to it; that it thereby has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence. For further particularity in connection with this specification of error, petitioner refers to Appendix A, attached to this petition and by this reference made a part hereof.

(16) The Board erred in failing to find that the Independent was not supported financially or otherwise, was not dominated in any manner, and was not fostered by or interfered with in its formation or administration by petitioner.

(17) The following finding and conclusion of the Board (D. & O. 20):

"We find that the respondent [petitioner] and the N.M.T.A.* utilized Cousland for the purposes, among others, of espionage to ascertain and interfere with attempts at self-organization on the part of its employees, and that the respondent [petitioner] thereby interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evi-

* National Metal Trades Association.

dence. For further particularity in connection with this specification of error, petitioner refers to Appendix B, attached to this petition and by this reference made a part hereof.

(18) The Board erred in failing to find that petitioner had not engaged in and was not engaging in the use of spies to interfere with, restrain and coerce its employees in the exercise of the rights guaranteed to them in section 7 of the Act.

(19) The following finding and conclusion of the Board (D. & O. 23):

"* * * We find that Novak was discharged because the respondent [petitioner] mistakenly believed that he had joined and assisted the Amalgamated and had engaged in concerted activities with other employees in the plan for the purpose of collective bargaining and other mutual aid and protection. The respondent's [petitioner's] mistake of fact as to Novak's affiliation and activity does not render its discharge of Novak the less an unfair labor practice. The discharge of Novak was an act of discrimination which tended to discourage membership in the Amalgamated, despite the fact that Novak was not himself a member."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence. For further particularity in connection with this specification of error, petitioner refers to Appendix C, attached to this petition and by this reference made a part hereof.

(20) The Board erred in failing to find that Joseph E. Novak was discharged for good and proper cause.

(21) The following finding and conclusion of the Board (D. & O. 23):

"* * * We are convinced that Salmon's activity on behalf of the Amalgamated and not any impairment of his efficiency was the real reason for his discharge. Accordingly, we find that Salmons was discharged because of his membership in the S.W.O.C. and his activity on its behalf."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence. For further particularity in connection with this specification of error, petitioner refers to Appendix C, attached to this petition and by this reference made a part hereof.

(22) The Board erred in failing to find that Louis Salmons was discharged for good and proper cause.

(23) The following finding and conclusion of the Board (D. & O. 29):

"We conclude that the real reason for the discharge in both cases was the fact that Karbel and Cumorich had joined the Amalgamated. * * *

"We find that by discharging Mike Karbel and Nick Cumorich, the respondent [petitioner] discriminated in regard to their hire and tenure of employment, thereby discouraging membership in the Amalgamated."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence. For further particularity in connection with this specification of error, petitioner refers to Appendix D, attached to this petition and by this reference made a part hereof.

(24) The Board erred in failing to find that Mike Karbel was discharged solely for inefficiency.

(25) The Board erred in failing to find that Nick Cumorich was discharged solely for inefficiency.

(26) The statement of the Board (D. & O. 30) that Paul Bozurich "forcibly brought his viewpoint [opposition to the Independent] to the respondent's [petitioner's] attention, not only by his aggressiveness at the first meeting of the Independent, but also subsequently in conversations with supervisory officials" is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence in so far as said statement finds or infers that petitioner had knowledge of his activities at said meeting or his views with respect to the Independent.

(27) The following finding and statement of the Board (D. & O. 31):

"The respondent's [petitioner's] seniority plan came about as the result of bargaining between the Independent and the respondent [petitioner]."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(28) The following finding and conclusion of the Board (D. & O. 34):

"* * * Upon the entire record, we are convinced that the ostensible lay-off of Kalamarie was actually a discharge because of his union activity.

"We find that the respondent [petitioner] discharged

John Kalamarie because of his union membership and activities and that the respondent [petitioner] thereby discriminated against him in regard to tenure of employment."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence. For further particularity in connection with this specification of error, petitioner refers to Appendix E, attached to this petition and by this reference made a part hereof.

(29) The Board erred in failing to find that John Kalamarie was laid off solely for lack of work.

(30) The following finding and conclusion of the Board (D. & O. 36):

"We find that by this action respondent [petitioner] discriminated in regard to the terms and conditions of employment of Peter Solinko and the hire of Frank Solinko, thereby encouraging membership in the Independent and discouraging membership in the Amalgamated."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence. For further particularity in connection with this specification of error, petitioner refers to Appendix F, attached to this petition and by this reference made a part hereof.

(31) The Board erred in failing to find that the petitioner hired Frank Solinko unconditionally.

(32) The following finding and conclusion of the Board (D. & O. 36):

"We find that by discharging Salmons and Novak, and by discharging and refusing to reemploy Karbel, Cumorich, and Kalamarie, the respondent [petitioner] had discriminated in regard to the hire and tenure of employment of each of them, thereby discouraging membership in the Amalgamated."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence.

(33) The following finding and conclusion of the Board (D. & O. 36):

"We find further that by its acts of discrimination respondent [petitioner] has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed in Section 7 of the Act."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence.

(34) The following finding and conclusion of the Board (D. & O. 36):

"We find that the activities of the respondent [petitioner] set forth in Section III above, occurring in connection with the operations of the respondent [petitioner] described in Section I above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence.

(35) The Board erroneously considered and relied on matters not a part of the record in said proceedings in making its decision and order of May 12, 1939.

(36) The Board prejudged the issues presented by the complaint and answer thereto, and without warrant in law or in fact disregarded substantial relevant evidence upon the merits of the controversy introduced by witnesses of petitioner and of the Independent.

(37) The findings and conclusions of the Board set forth in Section V, "The remedy," of the Board's decision and order (pp. 36-38), and each of them, are erroneous and are not supported by any evidence, are not supported by any substantial evidence and are contrary to the law and the evidence in so far as they, and each of them, find or conclude that petitioner has engaged in or was or is engaging in any unfair labor practice defined in the National Labor Relations Act.

(38) The Board erred in denominating paragraphs 1-6 of the decision and order (pp. 38-39) conclusions of law, for the reason that said statements are not conclusions of law but are mixed conclusions of law and of fact.

(39) In so far as the Board's so-called conclusions of law 1-6, both inclusive (D. & O. 38-39), are based upon the record before the Board and not upon the findings of the Board, the same and each of them are erroneous.

(40) The Board's so-called conclusions of law 1-6, both inclusive (D. & O. 38-39), and each of them, are not supported by any evidence, are not supported by any substantial evidence and are contrary to the law and the evidence.

(41) The Board erred in making and issuing paragraphs 1 and 2 of its order of May 12, 1939 (pp. 40-42), and each and every provision thereof.

(42) The Board erred in making and issuing paragraph 1 of its decision and order of May 12, 1939 (pp. 40-42) and each and every provision thereof ordering petitioner to cease and desist from certain alleged action for the reason that said provisions and each of them are contrary to fact and to law and violate the due process clause of the Constitution.

(43) The Board erred in making and issuing paragraph 2 of its decision and order of May 12, 1939 (pp. 40-42), and each and every provision thereof ordering petitioner to take certain specified affirmative action, for the reason that said provisions and each of them are contrary to fact and to law and violate the due process clause of the Constitution.

(44) The Board erred in making and issuing paragraph 2 of its decision and order of May 12, 1939 (pp. 40-42), and each and every provision thereof, for the reason that said affirmative action therein required will not effectuate the policies of the National Labor Relations Act.

(45) The Board erred in failing to find that petitioner had not engaged in any unfair labor practice defined in the National Labor Relations Act.

(46) The Board erred in failing to dismiss the complaint and each and every paragraph thereof.

Prayer.

Wherefore, your petitioner, Link-Belt Company, petitions this Honorable Court for a review of the aforementioned order of the National Labor Relations Board entered May 12, 1939, and respectfully prays:

(1) That the Board may be required, in conformity with law, to certify for filing in this Court a transcript of the entire record in the aforementioned proceedings before the Board, including the pleadings, testimony and exhibits upon which said order was purportedly entered and the decision, findings, conclusions and order of the Board;

(2) That the proceedings before the Board as set forth in said transcript be reviewed by this Honorable Court, and that said order be set aside, vacated and annulled, and that the respondent be ordered to dismiss its complaint against the petitioner; and

Petition to Review Order.

(3) That this Honorable Court exercise its jurisdiction over the parties and the subject matter of this petition and grant to petitioner such other and further relief in the premises as the rights and equities of the cause may require.

And your petitioner will ever pray.

Link-Belt Company

By Herbert Pope

Ernest S. Ballard

Henry E. Seyfarth

William F. Price

120 South La Salle Street

Chicago, Illinois

Its Attorneys

Pope & Ballard

120 South La Salle Street

Chicago, Illinois

Randolph 6680

Of Counsel

May 25, 1939.

State of Illinois, }
County of Cook. } ss.

W. C. Carter, being first duly sworn, on oath deposes and says that he is vice president of Link-Belt Company, petitioner above named; that he has read the foregoing petition and knows the contents thereof; and that the allegations contained therein are true to the best of his knowledge, information and belief.

W. C. Carter

Subscribed and sworn to before me this 25th day of May, 1939.

F. V. MacArthur

Notary Public.

My commission expires September 8, 1942.
(Seal)

APPENDIX A.

Further Particulars in Connection with Subparagraph
(15) of Paragraph 16 of the Petition

(a) The following finding and statement of the Board
(D. & O. 7):

"The respondent's [petitioner's] attempt through the medium of the Plan to deflect and frustrate its employees' impulse toward self-organization was not entirely successful."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence in so far as the same finds or infers that petitioner attempted in any way to interfere with, restrain or coerce its employees in the exercise of the rights guaranteed them in section 7 of the Act.

(b) The following finding and statement of the Board
(D. & O. 7-8):

"The Independent was a direct response to the decisions upholding the constitutionality of the Act. Shortly prior to these Supreme Court decisions, a group of the respondent's [petitioner's] employees who were opposed to the Amalgamated began to discuss the formation of an inside union."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(c) The following finding and statement of the Board
(D. & O. 8):

"* * * the Plan representatives, without exception, were active in establishing the Independent."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(d) The following finding and statement of the Board
(D. & O. 8):

"The organizers of the Independent evidently did not relish the rights of self-organization which are guaranteed by the Act. * * * Linde expressed a frank hostility toward bona fide labor organizations at the hearing, and it is evident that respondent [petitioner] implanted upon the minds of those who organized the Independent the respondent's [petitioner's] own dislike and distrust of outside unions. This hostility toward the Amalgamated and not a

genuine desire for self-organization was the primary motivation for organizing the Independent."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(e) The following finding and statement of the Board (D. & O. 9):

"* * * That evening, April 13, Greenlee, a representative of office employees under the Plan, who apparently had been approached by Linde, arranged to have the heading at the top of the application petition hectographed on a machine maintained by the respondent [petitioner] in its planning room."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence in so far as the same finds or infers that such hectographing was done with either the knowledge or consent of petitioner.

(f) The following finding and statement of the Board (D. & O. 10):

"* * * Among those attending [the meeting of the Independent of April 22, 1937] were at least two foremen, Grenis and Siskanskis, and a number of women and children."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(g) The following finding and statement of the Board (D. & O. 10):

"It appears that, at the meeting, Wham addressed the audience, discussed the Act, and denounced outside unions.

* * * The constitution was consistent with Wham's keynote address against outside unions, * * *"

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(h) The following finding and statement of the Board (D. & O. 10):

"The same day that the proposed recognition agreement was presented to Berry, the representation Plan was abandoned. Froling, as chairman of the employee's board, called a meeting of the board on the morning of April 19, and asked Berry to meet with them. A paper, purporting to disband the Plan, was thereupon signed by those present. * * * There was a gap of only 2 days between the abandonment of the Plan and the recognition of the Inde-

pendent; demand for recognition and the demise of the Plan were virtually simultaneous acts, with Litster, Froling and Berry participating in both."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(i) The following finding and conclusion of the Board (D. & O. 11):

"Although there is considerable conflict in the testimony, we are convinced from the record that from April 14 to April 23, the respondent's [petitioner's] supervisory officials not only permitted but actually abetted the solicitation of members for the Independent during working hours."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence.

(j) The following finding and statement of the Board (D. & O. 11):

"* * * He [Lackhouse] testified that during the lunch hour Froling assured him that Brucks had obtained permission from the management to circularize the men, but that he should keep under cover. Froling denied the statement about Brucks, but we are convinced that it was made since otherwise it would be difficult to account for Lackhouse's subsequent activity in behalf of the Independent."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(k) The following finding and statement of the Board (D. & O. 11):

"* * * After lunch Lackhouse conferred with his foreman, Nyberg, saying that Froling wanted him to help organize the plant. Nyberg told Lackhouse to go ahead, and the latter replied that he would as soon as he finished the job he was on."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(l) The following finding and statement of the Board (D. & O. 11-12):

"* * * Lackhouse testified that about a half hour later the assistant superintendent of the foundry, Olson, called him away from his job, expounded the advantages of an inside union over an outside, and said that an out-

side union would 'never get anywhere with them, just striking all the time.' Lackhouse testified that after this conversation he dropped his work and went around getting signatures on the application petition in the foundry. Olson denied this conversation, but we do not credit this denial. Olson's testimony was evasive and contradictory. Furthermore, he admitted that he approached Lackhouse after hearing rumors that the Independent was being formed and questioned him about it. Under these circumstances we believe Lackhouse's testimony and we find that he was instructed by his superiors as to the virtues of an inside organization and acted upon those instructions in soliciting members."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(m) The following finding and statement of the Board (D. & O. 12-13):

"Lackhouse's solicitation for the Independent was aided even further by another of the respondent's [petitioner's] supervisors. Lackhouse testified that Siskauskis, a foreman in the foundry, took the application petition from him and that Siskauskis himself signed the names of several employees who were working nearby. These were employees, apparently, who were unable to read or write. Testimony of Lackhouse as to this incident was corroborated at the hearing by several others who observed Siskauskis, including Joseph Thomas, one of those whose name was signed. Thomas, who is illiterate, testified that Siskauskis came up with a piece of paper, and when Thomas said that he could not write, Siskauskis signed Thomas' name. Thomas further testified that on two subsequent occasions Siskauskis again signed Thomas' name for application for membership in the Independent, the last time in the timekeeper's office over the protest of Thomas.

"Balcauski, a moulder in the foundry, testified as to other activity upon the part of Siskauskis for the Independent. . . . There is evidence of other activity by Siskauskis in behalf of the Independent and against the Amalgamated, of which the above is illustrative.

"Siskauskis in general denied the activities and conversations attributed to him by the witnesses for the Board. We do not find his denials convincing. It is improbable that all the testimony showing numerous acts by Siskauskis of interfering with the affairs of the Independent was fabricated. Furthermore, some of the testimony of Sis-

kauskis is contradictory and absolutely incredible. For example, Siskauskis attended the first meeting of the Independent, stating on direct examination that he just happened to be going by the hall, saw the crowd, and went in to 'see what is going on.' Later in his testimony Siskauskis explained that he went into the hall to obtain some food for his pigeons. At one place in his testimony, Siskauskis stated that he remained at the Independent meeting 20 minutes or half an hour and at another only 5 or 10 minutes. Despite the fact that announcements of the first meeting were lying around the plant, where they had been dropped by the men, Siskauskis insisted that he did not know that a meeting of the Independent was being held when he came to the hall. We do not believe Siskauskis' testimony in this regard. We find that Siskauskis, a foreman of the respondent [petitioner] signed the names of employees of the respondent [petitioner] to the application petition, and in other ways actively aided the formation of the Independent."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(n) The following finding and statement of the Board (D. & O. 13-14):

"The record discloses other instances of solicitation for the Independent by supervisory officials of the respondent [petitioner]. Several witnesses for the Board testified that one Belov, whom they referred to as the night foreman, solicited members for the Independent, approaching the entire night shift in the foundry. One of the witnesses, Kalamarie, testified that Belov received written instructions from his superior, McKinney, ordering him to attempt to get the night foundry shift to sign up in the Independent. Kalamarie testified that Belov showed him the note and asked his advice, and that he told Belov to follow his orders, whereupon Belov unsuccessfully tried to solicit Kalamarie and others. * * * McKinney denied sending such instructions to Belov. We do not credit his denial; however, since his testimony at times was contradictory and incredible. In view of this fact and the respondent's [petitioner's] failure to call Belov, we are convinced that Kalamarie is to be believed."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(o) The Board erred in stating (D. & O. 14) that petitioner contended that no one had supervisory authority

over the 15 or 20 employees on the night shift in the steel foundry near the end of 1937.

(p) The following finding and statement of the Board (D. & O. 14):

"* * * He [Belov] performed manual labor only when instructing another worker, or when an odd job had to be done and there was no one available. Belov used the office of the day foreman, McKinney, * * *. The men under him regarded him as their foreman, and it clearly appears that he exercised supervisory powers. We find that Belov was a minor supervisory official. We find further that in soliciting for the Independent he acted directly at the behest of his superior, McKinney, an agent of the respondent [petitioner]."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(q) The Board erred (D. & O. 14) in giving any weight to the testimony of one of the Board's witnesses that an unidentified alleged straw boss of petitioner actively solicited members for the Independent.

(r) The following finding and statement of the Board (D. & O. 15):

"Staskey, the employment manager of the respondent [petitioner], on at least one occasion used his position as a means of forcing an employee to join the Independent. Pete Solinko, an employee of the respondent [petitioner], had made several requests of Staskey to obtain employment for his son, Frank. During the period the Independent was organizing, Pete called with Frank to renew his request. Pete at this time was a member of the Amalgamated. Staskey asked the elder Solinko how strong the Amalgamated was and whether he had joined the Independent. Solinko replied that he had not. Staskey told him to see an inspector named Kovatch and to sign an application for membership in the Independent. When Pete made no effort to see Kovatch, the latter came over and solicited him. Pete at first refused to sign, but the following day in the timekeeper's office signed his name on an application card and Kovatch wrote in his address, since Pete was unable to write English. The foundry superintendent, Skeates, had left the timekeeper's office as Kovatch and Pete Solinko entered. The same day Frank Solinko was hired. Frank corroborated his father's testimony that Staskey inquired about the Amalgamated, and

we find Staskey's denial of his activity unconvincing. Staskey admitted at the hearing that Pete showed him a signed application card for membership in the Independent just before Frank went to work. It appears, therefore, that Staskey must have indicated, as Pete testified and we find, that the employment of his son was conditioned upon Solinko's membership in the Independent."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(s) The following finding and statement of the Board (D. & O. 15-16):

"In addition to evidence of direct activities of the supervisory staff of the respondent [petitioner] during the formative stages of the Independent, the record is replete with evidence showing solicitation by individuals and the collection of dues for the Independent during company time. * * * We think it inconceivable that his [Kovatch's] superiors were unaware of his activity, particularly since, as we have shown above, some of them directly participated in activity on behalf of the Independent. We therefore credit the testimony of witnesses for the Board that Kovatch spent large portions of his time from April 14 to 19, 1937, openly soliciting membership in the Independent in the presence of the respondent's [petitioner's] supervisors. In addition, Kovatch had bulletin boards made in the respondent's [petitioner's] shop, which were prominently displayed throughout the plant. Other employees besides Kovatch, including Bailey, a representative under the Plan, aided in the organizational campaign of the Independent with scarcely a pretense of keeping under cover. The Amalgamated was not granted these privileges."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(t) The Board erred in failing to find that petitioner warned its supervisory officials to maintain an attitude of strict impartiality between the Independent and the Amalgamated and that such impartiality was observed.

(u) The following finding and statement of the Board (D. & O. 16):

"* * * Although we find this contention [that Berry was not aware of the organization of the Independent until April 19, 1937] incredible in view of the open aid which we have shown was given the Independent by supervisory officials prior to April 19, Berry's feigned ignorance of the

creation of the Independent forced him to admit at the hearing that no instructions were given to the supervisors until after the Independent demanded recognition. At this time the instructions were useless since a majority of the employees had joined the Independent, in a large part because of the attitude displayed by and the activities of the respondent's [petitioner's] supervisors."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(v) The following finding and statement of the Board (D. & O. 17):

"* * * As we have seen, the principal organizer was motivated, in common with the respondent [petitioner] by a frank hostility to the purposes of the Act and genuine self-organization."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(w) The following finding and statement of the Board (D. & O. 17):

"* * * The respondent [petitioner] maintained the Plan until it realized that its abandonment would coincide with the recognition of the Independent. A bona fide labor organization was thus effectively forestalled."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(x) The following finding and statement of the Board (D. & O. 17):

"* * * The representatives under the Plan were all active in solicitation for the Independent."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(y) The following finding and statement of the Board (D. & O. 17):

"* * * The employees of the respondent [petitioner] of necessity must have linked the successor organization to the admittedly illegal Plan and thus to the respondent [petitioner] because of the identity of leading figures in the Plan and the Independent, and because the immediate granting of bulletin boards proclaimed to the employees the respondent's [petitioner's] interest. The very haste with which recognition was accorded the Independent despite the respondent's [petitioner's] knowledge, admitted by Berry at the hearing, that the Amalgamated claimed a

substantial membership indicates the respondent's [petitioner's] desire to forestall the outside union."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(z) The following finding and statement of the Board (D. & O. 17):

"* * * Finally, the action of the respondent's [petitioner's] agents and supervisors in aiding the Independent to organize precludes this organization from being a free choice of the employees. The respondent's [petitioner's] subsequent show of impartiality does not alter our conclusion. The respondent [petitioner] and the Independent also contend that the collective bargaining between the two indicates a lack of domination. Under the circumstances of this case, and in light of the improper actions of the respondent [petitioner] in establishing the Independent, no such inference arises."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(aa) The Board erred in failing to find that there was genuine, sincere and honest bargaining between representatives of the Independent and representatives of the petitioner.

APPENDIX B.

Further Particulars in Connection with Subparagraph (17) of Paragraph 16 of the Petition.

(a) The following finding and statement of the Board (D. & O. 18):

"* * * These reports were then copied by the N.M.T.A. [National Metal Trades Association], the copies sent to the respondent [petitioner], and the originals destroyed.

The respondent [petitioner] destroyed the copies as soon as they were read."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(b) The following finding and statement of the Board (D. & O. 18):

"The N.M.T.A. is an employers' association long dedicated to the principles of the open shop. Prior to an amendment of its constitution in April 1937, it openly espoused an anti-union philosophy."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(c) The Board erred in failing to find that the reports of Cousland through the N.M.T.A. related solely to such matters as safety and sanitation, piecework rates, production and tooling methods and efficiency in time study matters and did not relate to union activity or labor organizations.

(d) The following finding and statement of the Board (D. & O. 18-19):

"* * * Berry, who received the reports from the N.M.T.A., testified that Cousland was performing a function similar to that of a grievance committee of a labor organization, since, acting on his reports, the respondent [petitioner] could remove sources of dissatisfaction. While it is true that Cousland probably did report on piece-work dissatisfaction, we do not believe that all his activity was so innocuous. The melodramatic secrecy veiling Cousland's reports, the use of a number as a signature, the circuitous routing through the anti-union N.M.T.A., and the immediate destruction of the reports by both the N.M.T.A. and the respondent [petitioner], suggest, and we find, that Cousland also played the role of a labor spy."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(e) The following finding and statement of the Board (D. & O. 19):

"* * * It [a portion of the correspondence between N.M.T.A. and petitioner] reveals that the respondent [petitioner] requested and received 350 copies of 'Some Questions and Answers Concerning the Wagner Act,' and that these pamphlets were posted and distributed throughout the respondent's [petitioner's] plants. These 'Questions and Answers' are wholly misleading, confining themselves almost entirely to stating the rights of the employer left unaffected by the Act, without adequately or accurately listing the rights which the Act guarantees to employees."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the law and the evidence.

(f) The following finding and statement of the Board (D. & O. 19):

"* * * Significantly, none of the correspondence relates to time study or piece-work dissatisfaction, * * *. On

the contrary, there is a clear indication that the principal bond between the respondent [petitioner] and the N.M.T.A. was that of anti-union policy and we believe that Cousland served that policy."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(g) The following finding and statement of the Board (D. & O. 20):

"* * * We are not convinced that this [petitioner's] contention that it had not acted against any labor organization as a result of anything reported by Cousland] is so. Cousland had joined the Amalgamated, but had been forced to resign in May 1937, when his role as an undercover agent was made public by the Senate subcommittee on civil liberties. There is ample evidence of anti-union activity by respondent [petitioner] prior to the unmasking of Cousland by the Senate subcommittee. Moreover, the record reveals that Cousland, prior to his resignation, became active as a committee member of the Amalgamated. It is well known that labor spies commonly join labor unions either to report on their activities or for the purposes of sabotage. Despite the fact that Cousland ceased writing his reports to the N.M.T.A. in October 1936, we do not believe that his relationship to respondent [petitioner] as a labor spy terminated until exposure in March 1937 ended his usefulness."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(h) The Board erred in disregarding the testimony and exhibits of O. R. Abbott, office manager of National Metal Trades Association, who was called as a witness by the Board.

APPENDIX C.

Further Particulars in Connection with Subparagraphs (19) and (21) of Paragraph 16 of the Petition.

(a) The following finding and statement of the Board (D. & O. 7):

"* * * Salmons was immediately discharged when his activities came to the attention of the respondent [petitioner], under circumstances, to be discussed below, which indicate a violation of the Act. The treatment of Salmons was in sharp contrast to the attitude displayed by

the respondent [petitioner] toward the originators of The Independent Union of Craftsmen."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(b) The finding and statement of the Board (D. & O. 20) that Louis Salmons became dissatisfied with the employees' board under the employees' representation plan "because of its ineffectiveness in representing the employees" is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence in so far as the Board finds and infers that said board was ineffective in representing petitioner's employees.

(c) The following finding and statement of the Board (D. & O. 21):

"* * * Berry accused Salmons of spreading 'union propaganda' and gave him half an hour to leave the plant."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(d) The following finding and statement of the Board (D. & O. 21):

"* * * Forss said, referring to union activity [by Amalgamated], that he 'didn't know this was going on,' that he 'didn't believe it'."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(e) The Board erred in failing to find that Louis Salmons prior to his discharge was repeatedly warned to refrain from union activity on company tin

(f) The following finding and statement of the Board (D. & O. 21):

"The same day and under almost identical circumstances, Joseph E. Novak was discharged. * * * When Novak came into his office, Berry accused him of being an organizer and instigator of a union."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(g) The following finding and statement of the Board (D. & O. 22-23):

"* * * In so far as Novak is concerned, this contention [of petitioner that Salmons and Novak were each discharged for engaging in other than petitioner's business

on petitioner's time] is untenable. There is no substantial evidence that Novak engaged in any union activity whatsoever. On the contrary, it appears that he was not a member of the Amalgamated at the time of his discharge, and was ignorant that the Amalgamated was organizing. Berry testified that one of his foremen reported to him that he had observed Novak passing out cards. This foreman was not called to testify and we do not believe that his alleged report to Berry was accurate. Assuming it to be true, however, we do not believe that Berry would, without investigation or warning, have summarily discharged Novak for distributing cards."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(h) The Board erred in failing to find that Joseph E. Novak prior to his discharge was repeatedly warned to refrain from union activity on company time.

(i) The following finding and statement of the Board (D. & O. 23):

"Nor does the record sustain the respondent's [petitioner's] contention that its discharge of Salmons was proper because his union activity interfered with his work. At the time of Salmons' discharge the respondent [petitioner] had no rule which forbade solicitation of membership in a union. Nor did Salmons' efforts interfere with his work, and his immediate superior, Forss, was unaware that he was engaging in such activity. Salmons was never warned or reprimanded for his solicitation. It is significant that no members of the Independent were ever discharged for their activity, although the record reveals that several employees were much more active in solicitation for it than was Salmons for the Amalgamated." is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(j) The Board erred in failing to treat petitioner's offer of proof (R. 1777-81) as proved in its entirety.

(k) The Board erred in finding and stating (D. & O. 24) that the discharge of Louis Salmons was discriminatory.

APPENDIX D.

Further Particulars in Connection with Subparagraph (23) of Paragraph 16 of the Petition.

(a) The following finding and statement of the Board (D. & O. 26):

"* * * On May 19, 1937, Belov, who, as we have pointed out above, was the night foreman supervising 15 or 20 men, * * *"

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(b) The Board erred in giving any weight to the alleged acts and statements of Belov and in failing to find that Belov was not a supervisory employee.

(c) The following finding and statement of the Board (D. & O. 27):

"As we have already indicated, Belov upon instructions from McKinney had solicited membership for the Independent among the night shift."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(d) The following finding and statement of the Board (D. & O. 27):

"Cumorich was not compared with any of the other employees for the reason that there were none doing comparable work."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(e) The following finding and statement of the Board (D. & O. 27-28):

"The accuracy of the time studies made by Peters is open to considerable doubt. He admitted that Cumorich, although hired as a chipper, was engaged principally as a laborer, shoveling sand, cutting up scrap and doing other jobs around the steel foundry. Cumorich rarely worked on piece work, since laborers are paid on an hourly basis. As a result, an efficiency rating based entirely upon Cumorich's capacity on piece work, would not be a true test of his relative capability."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(f) The following finding and statement of the Board (D. & O. 28):

"We believe, moreover, that Peters' time studies are open to a much more serious objection, in that they are based upon a number of indeterminate factors never clearly demonstrated in the record and they completely overlook the differing physical circumstances surrounding each job."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(g) The following finding and statement of the Board (D. & O. 28):

"* * * Under these circumstances, we do not believe that the time studies reflect with any degree of precision the relative efficiency of Karbel or Cumorich. These physical differences surrounding each job were admitted at the hearing, and we do not believe that respondent [petitioner] discharged either man because of anything disclosed by Peters' time study."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(h) The following finding and statement of the Board (D. & O. 28-29):

"Both Karbel and Cumorich testified that they were never warned about the quality of their work. McKinney testified that he made frequent trips to the night shift and on several occasions warned these men that their work was unsatisfactory. McKinney's credibility as a witness, as pointed out above, is questionable. We do not believe that McKinney ever specifically warned either man. Each testified that he had never observed McKinney in the foundry at night, and we find that neither Karbel nor Cumorich was ever warned that his work was unsatisfactory by McKinney or any other supervisor."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(i) The following finding and statement of the Board (D. & O. 29):

"* * * Almost immediately a time study was instigated directed solely to their work and within a period of 3 weeks or so both were discharged, without warning. Below, the immediate superior of both, professed ignorance of the reason for discharge, asserting his belief that they

were good workmen. An unusual procedure of giving them their dismissal pay was adopted, a procedure which prevented either from facing McKinney or the workers on the day shift. Under these circumstances, we reject the respondent's [petitioner's] contention as to the reason for their discharge."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

APPENDIX E.

Further Particulars in Connection with Subparagraph (28) of Paragraph 16 of the Petition.

(a) The following finding and statement of the Board (D. & O. 33):

"... Immediately afterwards, Morely, the day foreman, sent a note to Belov who was the night foreman, informing him to supervise Kalamarie more closely and if his work was not found up to standard to lay him off for a week."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(b) The following finding and statement of the Board (D. & O. 33-34):

"The record discloses that there was considerable interchangeability of workers within the steel cleaning room, chippers would act as burners, burners as laborers, depending on the amount of work available. The case of Thiele who started as a welder and later became a burner is illustrative of the shifting of employees from one capacity to another. It would appear, therefore, that if a seniority policy for the whole room had been applied, considering the feasibility of transfer, Kalamarie would have been retained in preference to Thiele, Kouna, or Melcoskey."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

(c) The Board erred in failing to find that John Kalamarie requested to be transferred from the position of a burner to that of an arc welder and at the time of such transfer understood that he would lose his seniority rights as either a burner or laborer.

(d) The following finding and statement of the Board (D. & O. 34):

"It is significant that Kalamarie was placed under stricter supervision immediately following the visit of the grievance committee to Berry, * * *."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

APPENDIX F.

Further Particulars in Connection with Subparagraph (30) of Paragraph 16 of the Petition.

(a) Paragraph (r) of Appendix A to the petition is hereby made a part hereof.

(b) The following finding and statement of the Board (D. & O. 36):

"* * * Staskey, after attempting to learn the strength of the Amalgamated, instructed Peter Solinko to see Kovatch and to join the Independent, indicating that the employment of his son, Frank, would be conditioned upon his so joining."

is not supported by any evidence, is not supported by any substantial evidence and is contrary to the evidence.

And afterwards, to wit, on the 25th day of September, 1939, there was filed in the office of the Clerk of the United States Circuit Court of Appeals for the Seventh Circuit an Answer of the National Labor Relations Board to petition for review and Request for enforcement of an order of the National Labor Relations Board, to wit:

Filed
Sept. 25,
1939.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS.

* * (Caption—6974) * *

ANSWER OF THE NATIONAL LABOR RELATIONS BOARD TO PETITION FOR REVIEW AND REQUEST FOR THE ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD.

To the Honorable, the Judges of the United States Circuit Court of Appeals for the Seventh Circuit:

Comes now the National Labor Relations Board and, pursuant to the National Labor Relations Act (49 Stat.

449, C. 372, 29 U. S. C. sec. 151, et seq.), files this answer and request for enforcement of its order heretofore issued against Link-Belt Company, the petitioner herein:

1. The Board admits the allegations contained in paragraphs 1 to 4, inclusive, of the petition, under the heading "Parties and Jurisdiction."

2. With respect to the allegations contained in paragraphs 5 to 15, inclusive, of the petition, under the headings "Proceedings Before the Board" and "Order to Be Reviewed," the Board, answering, prays reference to the certified transcript of the entire record in the proceedings before the Board, filed herewith, for a full, exact, and complete statement of all the proceedings had in this case and of the pleadings, testimony, and evidence, findings of fact, conclusions of law, and order of the Board.

3. The Board denies the allegations contained in paragraph 16 of the petition, including the allegations contained in subparagraphs (1) to (46), inclusive, and those contained in appendices A to F, inclusive, made part thereof, all under the heading "Specification of Errors Relied On." Further answering, the Board avers that the proceedings had before it, the findings of fact, conclusions of law, and order were and are in all respects valid and proper under the National Labor Relations Act and the Constitution of the United States.

Wherefore, the Board respectfully prays this Honorable Court that said petition be denied in so far as it prays that the order of the Board be set aside, vacated, and annulled, and in so far as it prays that the Board be ordered to dismiss its complaint against petitioner.

Further Answering, the Board, pursuant to Section 10 (e) and (f) of the National Labor Relations Act, respectfully requests this Honorable Court for the enforcement of the order issued by the Board on May 12, 1939, in the proceedings instituted by it against the petitioner, Link-Belt Company, said proceedings being designated on the records of the Board as Case No. C-607, the title thereof being "In the Matter of Link Belt Company and Lodge 1604 of Amalgamated Association of Iron Steel and Tin Workers of North America, through the Steel Workers Organizing Committee affiliated with the Committee for Industrial Organization."

In support of this request for enforcement of its said order, the Board respectfully alleges as follows:

(a) Petitioner, an Illinois corporation, is engaged in business in the State of Illinois, within this judicial circuit.

By reason thereof, this Court has jurisdiction of the petition to review herein and of this request for enforcement by virtue of Section 10 (e) and (f) of the National Labor Relations Act.

(b) Upon all proceedings had in said matter before the Board, as more fully shown by the certified transcript of the entire record thereof, filed herewith, to which reference is hereby made, and including, without limitation, complaint, amendments thereto, answer, hearing for the purpose of taking testimony and receiving other evidence, intermediate report and exceptions filed thereto, and written and oral argument before the Board, the Board, on May 12, 1939, made its decision, duly stated its findings of fact and conclusions of law, and issued the following order, directed to the petitioner, its officers, agents, successors, and assigns:

Order.

Upon the basis of the above findings of fact and conclusions of law and pursuant to Section 10 (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondent, Link Belt Company, and its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Dominating or interfering with the administration of Independent Union of Craftsmen, or the formation or administration of any other labor organization of its employees, or contributing support to Independent Union of Craftsmen, or any other labor organization of its employees;

(b) Discouraging membership in Lodge 1604 of Amalgamated Association of Iron, Steel and Tin Workers of North America, or any other labor organization of its employees, by discharging or refusing to reinstate any of its employees or in any other manner discriminating in regard to their hire and tenure of employment or any terms or conditions of their employment;

(c) Either directly or indirectly, engaging in any manner of espionage or surveillance, or engaging the service of any agency or individuals for the purposes of espionage or surveillance, upon its employees or upon any labor organization of its employees;

(d) In any other manner interfering with, restraining, or coercing its employees in the exercise of the right to self-organization, to form, join, or assist labor organiza-

tions, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purposes of collective bargaining or other mutual aid and protection, as guaranteed in Section 7 of the National Labor Relations Act.

2. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

(a) Withdraw all recognition from Independent Union of Craftsmen as representative of any of its employees at the 39th Street plant for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and completely disestablish Independent Union of Craftsmen as such representative;

(b) Make whole Joseph E. Novak for any loss of pay he may have suffered by reason of the respondent's discrimination in regard to his hire and tenure of employment, by payment to him of a sum of money equal to that which he normally would have earned as wages from the date of his discharge to the date of his reinstatement, less his net earnings, other than earnings as a musician, during said period; deducting, however, from the amount otherwise due to him, monies received by him during said period for work performed upon Federal, State, county, municipal, or other work-relief projects; and pay over the amount so deducted to the appropriate fiscal agency of the Federal, State, county, municipal, or other government or governments which supplied the funds for said work-relief projects;

(c) Offer to John Kalamarie, Mike Karbel, and Nick Cumorich immediate and full reinstatement to their former positions, without prejudice to their seniority and other rights and privileges;

(d) Make whole John Kalamarie, Mike Karbel, and Nick Cumorich for any loss of pay they have suffered by reason of the respondent's discrimination in regard to hire and tenure of employment, by payment to each of them, respectively, a sum of money equal to that which he would normally have earned as wages from the date of his discharge to the date of the respondent's offer of reinstatement, less his net earnings during said period; deducting, however, from the amount otherwise due to each of said employees, monies received by said employees during said period for work performed upon Federal, State, county, municipal or other work-relief projects; and pay over the amount so deducted to the appropriate fiscal agency of the Federal, State, county, municipal, or other government or govern-

ments which supplied the funds for said work-relief projects;

(e) Include Paul Bozurich, Harry Johnson, and Stanley Balcauski in the seniority list by classification which it maintains for all employees who were non-discriminatorily laid off, and refrain from discriminating against Paul Bozurich, Harry Johnson, and Stanley Balcauski, when in accordance with its usual seniority rules, employment becomes available for any or all of them;

(f) Post immediately notices in conspicuous places throughout the 39th Street plant, stating: (1) that the respondent will cease and desist as provided in paragraphs 1 (a), (b), (c), and (d) of this Order; (2) that the respondent will take the affirmative action provided for in paragraphs 2 (a), (b), (c), (d), and (e) of this Order;

(g) Maintain such notices for a period of at least sixty (60) consecutive days from the date of posting;

(h) Notify the Regional Director for the Thirteenth Region, in writing, within ten (10) days from the date of this Order what steps the respondent has taken to comply herewith.

And It Is Further Ordered that the allegations of the complaint that the respondent has engaged in unfair labor practices within the meaning of Section 8 (3) of the Act by discharging Nels Carl Sorenson and by laying off Paul Bozurich, Harry Johnson, and Stanley Balcauski be, and they hereby are, dismissed.

(c) Thereafter, on May 12, 1939, the Board's decision and order were duly served upon petitioner by sending copies thereof postpaid, bearing government frank, by registered mail, to its attorneys, Pope & Ballard, in Chicago, Illinois.

(d) Pursuant to Section 10 (e) and (f) of the National Labor Relations Act, the Board is certifying and filing with this Court herewith a transcript of the entire record of the proceedings before the Board, including the pleadings, testimony and evidence, findings of fact, conclusions of law, and order of the Board.

Wherefore, the Board prays this Honorable Court that it cause notice of the filing of this answer and request for enforcement and transcript to be served upon petitioner, that this Court take jurisdiction of the proceedings in Case No. C-607 and of the questions determined therein, and make and enter upon the pleadings, testimony and evidence, and proceedings set forth in the transcript and upon the order made thereon, set forth in paragraph (b) hereof, a

44 *Answer and Request for Enforcement.*

decree denying in whole the petition to set aside, vacate, and annul the order of the Board and to dismiss the complaint, and enforcing in whole the order of the Board, and requiring petitioner and its officers, agents, successors, and assigns to comply therewith.

National Labor Relations Board

By Robert B. Watts;

Associate General Counsel.

Dated at Washington, D. C., this 20th day of September, 1939.

District of }
Columbia. } ss:

Robert B. Watts, being first duly sworn, states that he is Associate General Counsel of the National Labor Relations Board, respondent herein, and that he is authorized to and does make this verification in behalf of said Board; that he has read the foregoing answer and request for enforcement and has knowledge of the contents thereof; and that the statements made therein are true to the best of his knowledge, information, and belief.

Robert B. Watts.

Subscribed and sworn to before me this 20 day of September, 1939.

John E. Lawyer,

Notary Public, District of Columbia.

My commission expires August 31, 1944.

Endorsed: Filed Sep. 25, 1939. Frederick G. Campbell, Clerk.

And afterwards, to wit, on the 10th day of October, 1939, there was filed in the office of the Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, the following petition of Independent Union of Craftsmen to review and modify an order of the National Labor Relations Board, to wit:

(Added to Record pursuant to stipulation and Order of Oct. 18, 1939.)

IN THE UNITED STATES CIRCUIT COURT OF APPEALS.

• • (Caption—6974) • •

Filed
Oct. 10,
1939.

**PETITION TO REVIEW AND MODIFY AN ORDER
OF NATIONAL LABOR RELATIONS BOARD
DATED MAY 12, 1939, IN CASE NO. C-607.**

To the Honorable, the Judges of the United States Circuit Court of Appeals for the Seventh Circuit:

Your petitioner, Independent Union of Craftsmen, a corporation, respectfully shows:

1. Petitioner is a corporation duly and lawfully organized and since August 3, 1937, has been doing business under and by virtue of the laws of the State of Illinois applicable to corporations not for profit, and that its principal office is located at Chicago, Illinois.

2. That it is composed of members in excess of one thousand (1,000) and that its membership is open to all employees of the Thirty-ninth Street plant and the Caldwell-Moore plant of the Link-Belt Company not belonging to any other bargaining agency, regardless of sex, race, religious creed, color or political belief, except company officials and employees who have the authority to employ, discharge or discipline other employees. That all of its members are residents of the Seventh Circuit of the United States Circuit Court of Appeals and are and were at all times herein mentioned employees of said company at said plants.

3. That the chief purposes of the organization and existence of your petitioner and those for which it was chartered are as follows:

(a) To insure its members the advantages of collective bargaining with employers;

(b) To procure the establishment and maintenance of adequate, just and fair wage scales;

(c) To establish seniority rights consistent with merit ratings;

(d) To support the enactment of laws affecting old age security, adequate compensation for industrial ailments, unemployment insurance, maximum hours of labor, and promoting the general improvement of safety conditions in industry;

(e) To seek the stabilization of employment through mediation, arbitration and conciliation;

(f) To generally seek to improve the working and living conditions of all persons engaged in the industry;

(g) To do each and every thing necessary, suitable and proper for the accomplishment of any of the purposes or the attainment of any one or more of the obligations herein enumerated, or, which shall at any time appear conducive to or expedient for the protection or benefit of this corporation.

4. That the questions presented by this petition are of common and general interest to all of the members of your petitioner.

5. Respondent, National Labor Relations Board, is a public body organized and existing under an Act of Congress of July 5, 1935, Ch. 372, 49 Stat. 449, U. S. C. A., secs. 151-166 (hereinafter referred to as the "Act"), and the members of said respondent are J. Warren Madden, Edwin S. Smith, and William M. Leiserson, and its principal office is in Washington, in the District of Columbia. That said Board maintains an office and a regional director at Chicago, Illinois, where said regional director has charge of the Thirteenth Region of said Board, which includes the plant of respondent, Link-Belt Company, hereinafter mentioned.

6. The respondent company is an Illinois corporation operating a plant at 39th Street and Princeton Avenue, Chicago, Illinois, at which it is and was engaged in the manufacture, sale and distribution of cranes, shovels, draglines, mining conveyors, dumps, washers and driers, handling and preparation equipment for factories and foundries, mines and tipples and miscellaneous other steel construction, and that it is the respondent in the proceeding before the National Labor Relations Board in Case No. C-607, in which said Board made the order herein sought to be reviewed and modified, and is required by said order to perform certain affirmative acts which will affect your petitioner and all its members, all as herein more fully set out.

7. That petitioner, as the representative of its members, presented to the respondent, Link-Belt Company, signatures from well over fifty per cent (50%) of the employees working at the Thirty-ninth Street plant, Chicago, Illinois, authorizing the formation of said union, and authorizing it to act as the collective bargaining agency for the employees of said plant; that in accordance with the provisions of section 9 (a) of the National Labor Relations Act, the corporation on April 21, 1937, recognized said

union as the exclusive representative of all the employees in said Thirty-ninth Street plant, and the representatives of the company agreed that when requested they would meet with the representatives of the union for the purpose of considering the conclusion of an agreement with respect to wages, hours of employment and other conditions of employment, and that in June, 1937, pursuant to the recognition agreement of April 21, 1937, the Link-Belt Company and the Independent Union of Craftsmen entered into a contract covering rates of pay, hours of work and other conditions of employment to be observed between the parties thereto. That said contract represents the free choice of said members as a means of collective bargaining with the management aforesaid, and is satisfactory to said members, and your petitioner and its said members desire to continue to bargain as aforesaid through your petitioner as a representative of its said members.

8. That on or about May 25, 1937, the Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 1604, affiliated with the Committee for Industrial Organization, through the Steel Workers Organizing Committee (hereinafter referred to as the "Amalgamated"), purporting to represent certain employees of respondent, Link-Belt Company, at its Thirty-ninth Street plant, filed an amended charge with the Regional Director for the Thirteenth Region of the respondent, National Labor Relations Board, against the respondent, Link-Belt Company, charging said Link-Belt Company with violation of section 8, subsections (1), (2) and (3), and section 2, subsections (6) and (7) of the Act, alleging in substance that the respondent on or about April 19, 1937, instigated the formation of the Independent Union of Craftsmen, dominated, interfered with, and contributed support to it, and on April 21, 1937, recognized it as the sole bargaining agent for all employees of the plant, and there were other allegations not affecting your petitioner.

9. That on or about March 4, 1938, the acting Regional Director for the Thirteenth Region did, purportedly based upon such amended charge, file a complaint against the respondent, Link-Belt Company, charging that said respondent had committed and was committing unfair labor practices affecting commerce within the meaning of section 8, subsections (1), (2) and (3), and section 2, subsections (6) and (7) of the Act in that, among other things:

"5. Respondent, by its officers and agents while engaged

at the plant as described above, on or about April 19, 1937, did instigate the formation of a labor organization among its employees, known as the Independent Union of Craftsmen, hereinafter called the Independent, and from that date down to and including the date of the filing of this complaint, did advise, urge, and warn its employees to join the Independent, and did otherwise foster, promote and encourage the formation and growth of the Independent; during said period respondent also did dominate and interfere with the administration of said labor organization and did contribute financial and other support thereto, and did on or about April 21, 1937, recognize the Independent as the sole bargaining agent for all the employees in the plant; by such acts and each of them respondent did engage in and is engaging in unfair labor practices within the meaning of Section 8, subdivision (2)."

10. That said complaint, the amended charge upon which the same was purportedly based, and a notice of hearing before a Trial Examiner, were served upon the respondent, Link-Belt Company, and the respondent, the Amalgamated, and the Independent Union of Craftsmen on March 4, 1938. On March 10, 1938, the respondent, Link-Belt Company, filed its answer to the complaint denying that it had engaged in or was engaging in unfair labor practices as charged.

11. That your petitioner, by its duly authorized officers and by counsel, was present on March 14, 1938, at the time of the commencement of said hearing before Hugh D. McCarthy, the Trial Examiner duly designated by the Board, and on the first day of the hearing the Independent filed a motion to intervene and to participate in the hearing, and this motion was granted by the Trial Examiner, and participation was limited to those matters which directly or indirectly affected the interests of the Independent Union of Craftsmen.

12. On May 9, 1938, the Trial Examiner filed his intermediate report, a copy of which was duly served on all the parties, finding that the respondent, Link-Belt Company, had engaged in, and was engaging in, unfair labor practices within the meaning of section 8, subsections (1), (2a) and (3), and section 2, subsections (6) and (7) of the Act, and recommending that the respondent cease and desist therefrom and take certain affirmative action to remedy the situation brought about by the unfair labor practices. On May 18, 1939, your petitioner requested an extension of time in which to file exceptions to the inter-

mediate report, which was granted by the Board, and thereafter the respondent, the Link-Belt Company, the respondent, the Amalgamated, and your petitioner filed exceptions to the intermediate report. The respondent, Link-Belt Company, also filed a brief in support of its exceptions. Pursuant to notice served on all parties, oral argument was held before the Board in Washington, D. C., on December 20, 1938, and the respondent, the Link-Belt Company, and your petitioner appeared by counsel and participated in the argument.

13. That on May 12, 1939, the respondent Board filed a decision, findings of fact and conclusions of law, and issued its order on said complaint in which it stated, among other things, that the respondent, Link-Belt Company, should:

"Cease and desist:

"(a) Dominating or interfering with the administration of Independent Union of Craftsmen, or the formation or administration of any labor organization of its employees, or contributing support to Independent Union of Craftsmen, or any other labor organization of its employees;

"Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

"(a) Withdraw all recognition from Independent Union of Craftsmen as representatives of any of its employees at the Thirty-ninth Street plant for the purpose of dealing with the respondent concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and completely disestablish Independent Union of Craftsmen as such representative;

"(f) Post immediately notices in conspicuous places throughout the Thirty-ninth Street plant, stating: (1) That the respondent will cease and desist as provided in paragraphs 1 (a), (b), (c) and (d) of this order; (2) That the respondent will take the affirmative action provided for in paragraphs 2 (a), (b), (c), (d) and (e) of this order;"

14. That the respondent, Link-Belt Company, to the best of your petitioner's knowledge and belief, has not complied with, and so far as your petitioner is informed and believes and therefore alleges the fact to be, will not comply with the provisions of said order pending a determination of its validity in a certain proceeding now pend-

ing in this court under the name and style of "Link-Belt Company, a Corporation, Petitioner, vs. National Labor Relations Board, Respondent, No. 6974."

15. That said National Labor Relations Act, by section 10 (f), 29 U. S. C. A., sec. 160 (f) gives this court jurisdiction of this petition to review and modify said order of respondent, National Labor Relations Board.

16. That your petitioner believes itself to be aggrieved by said decision, findings, conclusions and order of the National Labor Relations Board of May 12, 1939, and that your petitioner considering certain portions of the same as hereinbefore specified to be prejudicial to it, hereby petitions the United States Circuit Court of Appeals for the Seventh Circuit to review and modify said decision, findings, conclusions and order of May 12, 1939, by setting aside certain portions thereof as hereinbefore specified, for the reason that said portions of said order are erroneous and were made in violation of the National Labor Relations Act and of the Constitution of the United States and should be set aside and annulled as void and of no effect for the reasons following, viz.:

(a) The several members of the Board and the agent who heard the evidence in said proceeding are prejudiced against unaffiliated labor unions, including your petitioner, and because of such prejudice were and are unable to accord to your petitioner the full and fair hearing to which it was entitled under the Act.

(b) The Board erred in finding that no prejudicial errors had been committed by the Trial Examiner in his rulings, excepted to by your petitioner, and the Board erred in finding that there was no merit in the exceptions of your petitioner to the Trial Examiner's proposed findings, proposed conclusions of law, and proposed order.

(c) The following finding of the Board:

"We have found that the respondent has dominated and interfered with the formation and administration of the Independent and has contributed support to it. The respondent's acts rendered the Independent incapable of serving the respondent's employees as a genuine bargaining representative and render its continued recognition by the respondent an obstacle to collective bargaining through freely chosen representatives"

is not supported by evidence, is contrary to the law and the evidence, and is contrary to the manifest weight of the evidence.

(d) The following finding of the Board:

"We find that Belov was a minor supervisory official. We find further that in soliciting for the Independent he acted directly at the behest of his superior McKinney, agent of the respondent" is not supported by the evidence, is contrary to the law and the evidence, and is contrary to the manifest weight of the evidence.

(e) The following finding of the Board:

"The very haste with which recognition was regarded the Independent, despite the respondent's knowledge, admitted by Berry at the hearing, that the Amalgamated claimed a substantial membership indicates the respondent's desire to forestall the outside union" is not supported by evidence, is contrary to the law and the evidence, and is contrary to the manifest weight of the evidence.

(f) The conclusion of the Board that your petitioner cannot operate as true representative of employees is not supported by evidence, is contrary to the law and the evidence, and is contrary to the manifest weight of the evidence.

(g) The conclusion of the Board that your petitioner should be disestablished by respondent, Link-Belt Company, is not supported by evidence, is contrary to the law and the evidence, and is contrary to the manifest weight of the evidence.

(h) The conclusion of the Board that the employees of the respondent of necessity must have linked the successor organization to the old representation plan and thus to the respondent because of the identity of leading figures in the Plan and the Independent, and because the immediate granting of bulletin boards proclaimed to the employees the respondent's interest, is not supported by evidence, is contrary to the law and the evidence, and is contrary to the manifest weight of the evidence.

(i) Said Board erred in failing to find that respondent, Link-Belt Company, has never had anything whatever to do with the management of your petitioner; that it is not supporting it financially or otherwise, and that it does not contemplate doing anything to prevent a free and independent action on the part of your petitioner or any of its members, all as shown by the evidence.

(j) Said Board erred in failing to find that your petitioner or any of its members were not granted privileges

that were not extended to the Amalgamated or any of its members, all as shown by the evidence.

(k) Said Board erred in failing to find that your petitioner and the respondent, Link-Belt Company, were prior to the date of the hearing and at the time of the hearing engaged in active and bona fide collective bargaining negotiations, all as shown by the evidence.

(l) Said Board erred in failing to find that the purposes of the Act can be effectively realized by a "cease and desist order" in respect to all actions of foremen and others in the role of management, and that no "order of disestablishment" is necessary to accomplish the purposes of the Act, all as shown by the evidence.

(m) Said Board erred in failing to find that the purposes of the Act can effectively be realized by a Board's order for a secret election, as authorized by section 9 (c) of the Act, in order to determine the employees free choice of their bargaining representative, and that no "order of disestablishment" is necessary to accomplish the purposes of the Act, all as shown by the evidence.

17. That respondent, National Labor Relations Board, has heretofore certified for filing in this court in Cause No. 6974, entitled, "Link-Belt Company, a corporation, Petitioner, vs. National Labor Relations Board, Respondent," a transcript of the entire record in said cause C-607 wherein the order complained of herein was entered, including all testimony, evidence and exhibits taken and the findings, conclusions and said order, and that the same is now on file in this court and is readily available for use in the determination of this cause.

18. That there has been filed in said cause No. 6974 of this court a printed transcript of the record in said cause No. C. 607 before respondent, National Labor Relations Board, containing all the testimony, evidence, and exhibits taken in the hearing of said cause No. C-607, and that the same is now on file in this court and is readily available for use in the determination of this cause.

Wherefore, your petitioner brings this petition for review of all of said proceedings, findings, conclusions and order of said National Labor Relations Board and prays:

1. That notice of the filing of this petition be forthwith served according to law upon said National Labor Relations Board and Link-Belt Company.

2. That this court enter an order providing that the transcript of the entire record in cause No. C-607 before

the National Labor Relations Board now on file in this court in cause No. 6974 entitled, "Link-Belt Company, a Corporation, Petitioner, vs. National Labor Relations Board, Respondent," shall stand as the certified transcript of the record in this cause in all things as effectively as if certified for the purpose of this cause and may be used as the official record in this cause.

3. That this court enter an order providing that the printed transcript of the record filed in said cause No. 6974 in this court shall stand as the printed transcript of the record in this cause and may be used as such without the necessity of filing any further transcript of the record in this court in compliance with Rule 21 of this court.

4. That said findings, proceedings, conclusions and order be reviewed and that said order be modified by setting aside and holding for naught the following portions thereof:

1. Cease and desist, (a), (See paragraph 13 above),

2. Affirmative action, subsections (a) and (f), (see paragraph 13 above),
and that no further proceedings be taken thereon.

5. That, pending a hearing and final determination of this petition, the court issue a restraining order staying and enjoining any and all proceedings which the respondent, National Labor Relations Board, might take to enforce said portions of said order of May 12, 1939, and enjoining respondent, Link-Belt Company, its officers, agents, attorneys, employees and servants, and all other persons acting in their behalf, from obeying or complying with, or taking any steps to carry out or put into effect the said portions of said order.

6. That this Honorable Court exercise its jurisdiction over the parties and the subject matter of this petition, and that petitioner have such other and further relief in the premises as the rights and equities in the cause may require and to your Honors may seem meet and proper.

Independent Union of Craftsmen,
a Corporation,

By Benjamin Wham,
Its Attorney.

State of Illinois, }
County of Cook. } ss.

John A. Litster, being first duly sworn on oath deposes and says that he is the President of the Independent Union of Craftsmen, the above petitioner, and is duly authorized to execute the above petition in the name of the petitioner; that he has read the foregoing petition and that the same is true except as to these matters which are alleged upon information and belief and as to those matters he believes them to be true.

John A. Litster

Subscribed and Sworn to before me this 10th day of October, 1939.

Notary Public.

Endorsed: In the United States Circuit Court of Appeals * * (Caption—6974) * * Petition to Review and Modify an Order of National Labor Relations Board Dated May 12, 1939, in Case No. C-607. Filed Oct 10 1939 Frederick G. Campbell, Clerk.

Filed
Nov. 2,
1939.

And afterwards to wit: On the second day of November, 1939, there was filed in the office of the Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, the following answer of the National Labor Relations Board to petition for review in cause No. 7102 to-wit:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

October Term, 1939.

Independent Union of Craftsmen, a corporation, <i>Petitioner,</i>	} No. 7102.
<i>vs.</i> National Labor Relations Board and Link-Belt Company, a corporation, <i>Respondents.</i>	

ANSWER OF THE NATIONAL LABOR RELATIONS
BOARD TO PETITION FOR REVIEW.

To the Honorable, the Judges of the United States Circuit Court of Appeals for the Seventh Circuit:

Comes now the National Labor Relations Board and, pursuant to the National Labor Relations Act (49 Stat. 449, c. 372, 29 U. S. C. sec. 151, et seq.), files this answer to the petition for review herein:

1. The Board admits each and every allegation contained in paragraphs 1, 4, 5, 6, 15, 17, and 18 of the petition.

2. With respect to the allegations contained in paragraphs 2 and 3 of the petition, the Board admits that petitioner is an incorporated labor organization, but has no knowledge or information sufficient to form a belief as to the other allegations contained in said paragraphs and therefore denies said allegations.

3. With respect to the allegations contained in paragraphs 7, 8, 9, 10, 11, 12, and 13 of the petition, the Board, answering, prays reference to the certified transcript of the entire record in certain proceedings before the Board, instituted by it against Link-Belt Company, wherein petitioner herein intervened, designated on the records of the Board as Case No. C-607, and which said transcript has heretofore been filed in this Court in Cause No. 6874 entitled "Link-Belt Company, a Corporation, Petitioner *vs.* National Labor Relations Board, Respondent," for a full, exact and complete statement of all the proceedings had in this case and of the pleadings, testimony, and evidence, findings of fact, conclusions of law, and order of the Board.

4. With respect to the allegations contained in paragraph 14 of the petition, the Board admits that Link-Belt Company has not complied with the order issued by the Board against it, but has no knowledge or information sufficient to form a belief as to the other allegations contained in said paragraph, and therefore denies the same.

5. The Board admits that petitioner is a "person aggrieved" by said order of the Board, within the meaning of Section 10 (f) of the Act, but denies each and every other allegation contained in paragraph 16 of the petition, and in each and every subparagraph thereof. Further answering, the Board avers that the allegations contained in subparagraph "(a)" of said paragraph 16 are wholly incompetent, irrelevant, and immaterial to the issues before this Court, that they constitute a completely unfounded and impertinent effort to impugn the character of the Board and its agents, and that they concern matters of official regularity into which upon the record in this case this Court will not inquire. The Board further avers that petitioner was accorded a full and fair hearing in all respects, and that the proceedings had before it, the findings

Answer of National Labor Relations Board. 54c

of fact, conclusions of law, and order were and are in all respects valid and proper under the National Labor Relations Act and the Constitution of the United States.

Wherefore, the Board respectfully prays this Honorable Court that said petition be denied in so far as it prays that said order of the Board be modified or set aside and in so far as it prays that a temporary stay issue pending the hearing and final determination of said petition; and the Board further prays that said order be enforced in full.

National Labor Relations Board,

By Charles Fahy,

General Counsel.

Dated at Washington, D. C. this 1st day of November
1939.

54d *Answer of National Labor Relations Board.*

District of }
Columbia. } ss:

Charles Fahy, being first duly sworn, states that he is General Counsel of the National Labor Relations Board, one of the respondents herein, and that he is authorized to and does make this verification in behalf of said Board; that he has read the foregoing answer and has knowledge of the contents thereof; and that the statements made therein are true to the best of his knowledge, information, and belief.

Charles Fahy.

Subscribed and sworn to before me this 1st day of November 1939.

(Seal) John E. Lawyer,
Notary Public District of Columbia.
My commission expires August 31, 1944.

2052

BOARD EXHIBIT NO. 1.

UNITED STATES OF AMERICA.

BEFORE THE NATIONAL LABOR RELATIONS BOARD

Thirteenth Region.

In the Matter of
Link Belt Company
and.

Lodge 1604 of Amalgamated Association of Iron Steel and Tin Workers of North America, through the Steel Workers Organizing Committee affiliated with the Committee for Industrial Organization.

Case No.
XIII-C-303.

COMPLAINT.

It having been charged by Lodge 1604 of the Amalgamated Association of Iron, Steel, and Tin Workers of North America, through Steel Workers Organizing Committee, affiliated with the Committee for Industrial Organization, hereinafter called the union, that Link Belt Company, hereinafter called respondent, has engaged in and is now engaging in certain unfair labor practices affecting commerce, as set forth and defined in the National Labor Relations Act, 49 Stat. 449, hereinafter called the Act, the National Labor Relations Board, by the Regional Director of the Thirteenth Region, as agent for the National Labor Relations Board, designated by National Labor Relations Board Rules and Regulations, Series 1, as amended, hereby alleges the following:

1. Respondent is and has been since November 13, 1880, a corporation organized and existing under and by virtue of the laws of the State of Illinois, having its principal office and place of business in the City of Chicago, County of Cook, State of Illinois. Respondent was originally incorporated under the name of Link-Belt Machinery Company.

2. Respondent is now, and has been at all times hereinafter mentioned, engaged at a place of business at 39th and Princeton Avenue, Chicago, Illinois, hereinafter called the plant, in the manufacture, sale, and distribution of labor saving, conveying and power-transmitting machinery, in-

cluding the following among other products: cranes, shovels, and draglines for highway, railroad, and mining operations; mining conveyors, dumps, washers and driers; and silent chain drives, handling and preparation equipment for factories and foundries.

3. Respondent in the course and conduct of its business and in the operation of its plant causes and has continuously caused large quantities of raw materials consisting of iron ore, scrap iron, coal, steel wire and limestone among others, to be purchased and transported in interstate commerce from and through states of the United States other than the State of Illinois, to the said plant in the State of Illinois, and causes and has continuously caused large quantities of the finished products manufactured at the plant to be sold and transported in interstate commerce from the plant in the State of Illinois to, into, and through States of the United States other than the State of Illinois.

4. The union is a labor organization as defined in Section 2, Subdivision (5) of the Act.

5. Respondent, by its officers and agents, while engaged at the plant as described above, on or about April 19, 1937, did instigate the formation of a labor organization among its employees, known as the Independent Union of Craftsmen, hereinafter called the Independent, and from that date down to and including the date of the filing of this Complaint, did advise, urge, and warn its employees to 2055 join the Independent, and did otherwise foster, promote and encourage the formation and growth of the Independent; during said period respondent also did dominate and interfere with the administration of said labor organization and did contribute financial and other support thereto, and did on or about April 21, 1937, recognize the Independent as the sole bargaining agent for all the employees in the plant; by such acts and each of them respondent did engage in and is engaging in unfair labor practices within the meaning of Section 8, Subdivision (2).

6. Respondent, by its officers, agents, and employees, while engaged at the plant as above described, on October 1, 1936, did discharge Nels Carls Sorenson, on May 19, 1937, did discharge Nick Cumorich and Mike Korbel, on November 9, 1937, did discharge Paul Bozurich, on November 17, 1937, did discharge Stanley Balcauski, on November 30, 1937, did discharge John Kalamarie, and on December 8, 1937, did discharge Harry Johnson, and has at all times since said dates refused to employ said persons.

Respondent discharged and refuses to employ said Nels

Carls Sorenson, Nick Cumorich, Mike Karobl, Paul Bozrich, Stanley Balcauski, John Kalamarie and Harry Johnson for the reason that they, and each of them, joined and assisted the union, and engaged in concerted activities with other employees in the plant, for the purpose of collective bargaining and other mutual aid and protection.

7. Respondent, by its officers, agents and employees, while engaged at the plant as above described, on or about September 21, 1936, did discharge Louis Salmons, and on or about September 28, 1936, did discharge Joseph E. Novak.

Respondent from on or about September 21, 1936, to December 21, 1936, did refuse and fail to reinstate to employment in the plant Louis Salmons, and from on or about September 28, 1936, to January 13, 1937, did refuse to employ and fail to reinstate to employment in the plant Joseph E. Novak.

Respondent did discharge and refuse and fail to employ said Louis Salmons and Joseph E. Novak during the respective periods set forth above for the reason that said Louis Salmons and Joseph E. Novak, and each of them, joined and assisted the union, and engaged in concerted activities with other employees in the plant, for the purpose of collective bargaining and other mutual aid and protection.

8. Respondent, by its officers, agents, and employees, on or about December 21, 1936, did reinstate Louis Salmons to his former position in the plant, and on or about January 13, 1937, did reinstate Joseph E. Novak to his former position in the plant on condition that the said Louis Salmons and Joseph E. Novak, and each of them, at all times, under all conditions, and in all places, would refrain from further labor-union activity or membership in labor organization.

2054 *AMENDMENT TO COMPLAINT (BOARD EXHIBIT 1).*

7. Respondent, by its officers, agents and employees, while engaged at the plant as above described, on or about September 21, 1936, did discharge Louis Salmons and Joseph B. Novak.

Respondent from on or about September 21, 1936, to December 21, 1936, did refuse and fail to reinstate to employment in the plant, Louis Salmons, and from on or about September 21, 1936, to on or about January 13, 1937, did

refuse and fail to reinstate to employment in the plant, Joseph B. Novak.

Respondent did discharge and refuse and fail to employ said Louis Salmons and Joseph B. Novak during the respective periods set forth for the reason that said Louis Salmons had engaged in organizing activities for the union and had engaged in concerted activities with other employees in the plant, for the purpose of collective bargaining and other mutual aid and protection, and for the reason that said Joseph B. Novak was belived by respondent to have engaged in organizing activities on behalf of the union similar to those engaged in by the said Louis Salmons.

8. Respondent, by its officers, agents, and employees, on or about December 21, 1936, did reinstate Louis Salmons to a different position in the plant, in which position the said Louis Salmons worked a fewer number of hours than prior to his said discharge and fewer hours than other employees who performed similar work before his said discharge and after his said reinstatement.

Respondent, by its officers, agents, and employees, on or about January 13, 1937, did reinstate Joseph B. Novak to his former position in the plant on condition that the said Joseph B. Novak would, at all times, and under all conditions and in all places, refrain from union organizing and activity in labor organizations.

9. Respondent, by its officers, agents and employees, while engaged at the plant as above described, on or about May 20, 1937, did hire Frank Solinko, son of Peter Solinko, an employee of respondent, on condition that Peter Solinko become a member of the Independent.

10. By the acts set forth in paragraphs 6 and 7 above, respondent did discriminate and is discriminating in regard to the hire and tenure of employment of said Nels Carls Sorenson, Nick Cumorich, Mike Karobl, Paul Bozurich, Stanley Balcauski, John Kalamarie, Harry Johnson, Louis Salmons, and Joseph E. Novak, and each of them, and by the acts set forth in paragraph 8 and 9 above, respondent did discriminate and is discriminating in regard to the terms and conditions of employment of said Louis Salmons, Joseph E. Novak, Peter Solinko, and Frank Solinko; by the acts set forth in paragraphs 6, 7, 8, and 9 above, and each of them, respondent did discourage and is discouraging membership in the union, and by the acts 2057 set forth in paragraph 9 above, did encourage and is encouraging membership in the Independent, and did thereby engage in and is thereby engaging in unfair labor

practices within the meaning of Section 8, Subdivision (3) of the Act.

11. Respondent, by its officers, agents and employees, while engaged at the plant, as above described, from on or about April 19, 1937, down to and including the date of the filing of this Complaint did promise to employ its workers more days per week and more hours per day, in the event that they all become members of the Independent, and did, on or about April 20, 1937, by its supervisory employees sign the names of many of its employees without the authorization of such employees to petitions which were circulated in the plant soliciting members in behalf of the Independent.

12. Prior to the year 1933, while engaged at the plant as above described, respondent applied for and received membership in the National Metal Trades Association, which membership has continued in full force and effect from that time down to the issuance of this Complaint. Respondent from on or about March 1, 1933, and continuously from that time to the issuance of this Complaint, did accept and use in its plant operatives provided by said National Metal Trades Association for purposes of espionage in relation to union affiliation and/or activity of its employees. By these acts, by the acts set forth in paragraphs 5, 6, 7, 8, 9 and 11 above, and by other acts, respondent did interfere with, restrain and coerce and is interfering with, restraining and coercing its employees in the exercise of the rights guaranteed them in Section 7 of the Act.

13. Respondent, by the acts set forth in paragraphs 5, 6, 7, 8, 9, 11, and 12, above, and each of them, did engage in and is engaging in unfair labor practices within 2058 the meaning of Section 8, Subdivision (1) of the Act.

14. The acts of respondent set forth in paragraphs 5, 6, 7, 8, 9, 11, and 12, above, occurring in connection with the operations of respondent described in paragraphs 2 and 3 above, have a close, intimate, and substantial relation to trade, traffic, and commerce, among the several States and have led to and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

15. The aforesaid acts of respondent enumerated in paragraphs 5, 6, 7, 8, 9, 11, and 12, above, constitute unfair labor practices affecting commerce within the meaning of Section 8, Subdivisions (1), (2), (3), and Section 2, Subdivisions (6) and (7) of the Act.

16. Wherefore, the National Labor Relations Board on this 4th day of March, 1938, issues its Complaint against the Link Belt Company, respondent herein.

*Notice of Hearing.***Notice of Hearing.**

Please Take Notice that on the 14th day of March, 1938, at 9:30 o'clock in the forenoon, at Room 777, U. S. Court House, Chicago, Illinois, a hearing will be conducted before the National Labor Relations Board by a Trial Examiner to be designated by it in accordance with said Rules and Regulations, Series 1, as amended, Article IV, Section 3, and Article II, Section 22, on the allegations set forth in the Complaint attached hereto, at which time and place you will have the right to appear, in person or otherwise, and give testimony. You are further notified that you have the right to file with the Regional Director for the Thirteenth Region, with offices at Room 1558, 20 North Wacker Drive, Chicago, Illinois, acting in this matter as the agent 2059 of the National Labor Relations Board, an answer to the attached Complaint on or before the 11th day of March, 1938. Enclosed herewith for your information is a copy of Rules and Regulations, Series 1, as amended, made and published by the National Labor Relations Board pursuant to authority granted in the National Labor Relations Act. Your attention is particularly directed to Article II of said Rules and Regulations.

In Witness Whereof the National Labor Relations Board has caused this, its Complaint and Notice of Hearing to be signed by the Regional Director for the Thirteenth Region on the 4th day of March, 1938.

Leonard C. Bajork,
Leonard C. Bajork,

*Regional Director, Thirteenth Region,
National Labor Relations Board.*

Service acknowledged this _____ day of March, 1938.

For Link Belt Company

By _____

For Independent Union of Craftsmen,

By Benj. Wham.

For Amalgamated Association of
Iron Steel and Tin Workers of
North America, Lodge 1604, Thru
Steel Workers Organizing Commit-
tee, affiliated with the Committee
for Industrial Organization,

By _____

- 2089 National Labor Relations Board
Rules and Regulations
Series 1, as Amended
April 27, 1936
(Cut of Seal of National Labor Relations Board)

- 2060 . National Labor Relations Board
Rules and Regulations
Series 1, as Amended.
and
National Labor Relations Act
(48 Stat. 449)
April 27, 1936
(Cut of Seal of National Labor Relations Board)
United States Government Printing Office
Washington, 1937
For sale by the Superintendent of Documents,
Washington, D. C.
Price 5 cents

- 2061 National Labor Relations Board
- J. Warren Madden, *Chairman*
John M. Carmody
Edwin S. Smith
Benedict Wolf, *Secretary*
Charles Fahy, *General Counsel*

2063

National Labor Relations Board
Washington, D. C.

Rules and Regulations,
Series 1, as Amended

General Rules and Regulations.

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following Rules and Regulations—Series 1—as amended (General Rules and Regulations), which it finds necessary to carry out the provisions of said Act. Said Rules and Regulations—Series 1—as amended shall become effective upon the signing of the original by the members of the Board and upon the publication thereof in the Federal Register, and shall supersede the Rules and Regulations—Series 1—as amended (General Rules and Regulations) signed by the Board on April 15, 1935, which are hereby rescinded. The Rules and Regulations—Series 1—as amended (General Rules and Regulations) shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

Signed at Washington, D. C., this 27th day of April, 1936.

J. Warren Madden, *Chairman.*
John M. Carmody, *Member.*
Edwin S. Smith, *Member.*

Article I.

Definitions.

Section 1. The terms "person", "employer", "employee", "representatives", "labor organization", "commerce", "affecting commerce", and "unfair labor practice", as used herein, shall have the meanings set forth in Section 2 of the National Labor Relations Act, a copy of which Act is appended hereto.

Sec. 2. The term "Act" as used herein shall mean the National Labor Relations Act, and the term "Board" shall mean the National Labor Relations Board.

2064 Sec. 3. The term "Region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular Region.

Sec. 4. The term "Regional Director" as used herein shall mean the agent designated by the Board as Regional Director for a particular Region.

Sec. 5. The term "Trial Examiner" as used herein shall mean the Board, its member, agent or agency conducting the hearing.

Sec. 6. The term "State" as used herein shall include all States, Territories, and possessions of the United States and the District of Columbia.

Article II.

Procedure Under Section 10 of the Act for the Prevention of Unfair Labor Practices.

Charge.

Section 1. A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person or labor organization. A charge may be withdrawn only with the consent of the Regional Director with whom such charge was filed or of the Board. Upon withdrawal of any charge, the Regional Director shall dismiss any complaint based thereon.

Sec. 2. Except as provided in Section 37 of this Article, such charge shall be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of such Regions.

Sec. 3. Such charge shall be in writing, the original being signed and sworn to before any notary public or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of such charge shall be filed. A blank form for making a charge will be supplied by the Regional Director upon request.

Sec. 4. Such charge shall contain the following:

(a) The full name and address of the person or labor organization making the charge.

(b) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(c) A clear and concise statement of the facts constituting the alleged unfair labor practice affecting com-

merce, particularly stating the names of the individuals involved and the time and place of occurrence.

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Complaint.

Sec. 5. After a charge has been filed, if it appears to the Regional Director that a proceeding in respect thereto should be instituted, he shall issue and cause to be served upon the respondent and the person or labor organization making the charge (hereinafter referred to as the "parties to the proceeding") a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a Trial Examiner at a place therein fixed and at a time not less than five days after the service of the complaint. A copy of the charge shall be attached to the complaint.

Sec. 6. Upon his own motion or upon proper cause shown by any of the parties to the proceeding the Regional Director issuing the complaint may extend the date of such hearing.

Sec. 7. Any such complaint may be amended by the Trial Examiner or the Board in his or its discretion at any time prior to the issuance of an order based thereon, upon such terms as may be deemed just.

Sec. 8. Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.

Sec. 9. If, after the charge has been filed, the Regional Director declines to issue and cause to be served a complaint, the person or labor organization making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director.

Answer.

Sec. 10. The respondent shall have the right, within five days from the service of the complaint, to file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state, such statement operating as a denial. Any allegation in the complaint not specifically denied in the answer, unless respondent shall state in the

answer that respondent is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

Sec. 11. Such answer shall be filed with the Regional Director issuing the complaint. Such answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post-office address of the respondent. The respondent shall file three additional copies of the answer for the use of 2066 the Board. Immediately upon filing his answer the respondent shall serve a copy thereof upon each of the other parties to the proceeding.

Sec. 12. Upon his own motion or upon proper cause shown by respondent the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

Sec. 13. In any case where a complaint has been amended the respondent shall have an opportunity to amend his answer within such period as may be fixed by the Trial Examiner, if he amends the complaint, or by the Board, if it amends the complaint.

Motions.

Sec. 14. All motions made previous to or subsequent to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and three additional copies of all such motions for the use of the Board. Immediately upon the filing of such motion, the moving party shall serve a copy thereof upon each of the other parties to the proceeding. All motions made at the hearing (except motions to intervene, as provided in Section 19 of this Article) shall be stated orally and included in the stenographic report of the hearing.

Sec. 15. The Trial Examiner designated to conduct the hearing shall rule upon all motions (except as provided in Sections 6, 12, and 19 of this Article). The Trial Examiner may, before the hearing, rule on motions filed previous to the hearing, and shall file his ruling, and any order in connection therewith, with the Regional Director issuing the complaint. The Regional Director shall cause copies thereof to be served upon the parties to the pro-

ceeding. Rulings on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally and included in the stenographic report of the hearing; in all other cases they shall be issued in writing and filed with the Regional Director, who shall cause a copy of the same to be served upon each of the parties to the proceeding, or shall be contained in the Intermediate Report. Whenever the Trial Examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to Section 37 of this Article, the Board shall rule on such motion.

Sec. 16. All motions, rulings, and orders shall become part of the record in the proceeding, and rulings and orders claimed to be substantially prejudicial shall be reviewed by the Board, upon request made for such review, in conjunction with the Board's consideration of the Intermediate Report.

2067 Sec. 17. If any motion in the nature of a motion to dismiss the complaint is granted by the Trial Examiner, the party making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and filing a copy of such request with the Regional Director and the other parties to the proceeding. Unless such request for review is filed within ten days from the date of the order of dismissal, the case shall be considered closed. The Board may, upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings.

Sec. 18. The right to make motions or to make objection to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the Trial Examiner or the Board.

Intervention.

Sec. 19. Any person or labor organization desiring to intervene in any proceeding shall file a motion in writing with the Regional Director issuing the complaint setting out the grounds upon which such person or organization claims to be interested. The original of such motion shall be signed and sworn to by the person or labor organization filing the motion, who shall file three additional copies of such motion for the use of the Board. Immediately

upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties to the proceeding. The Regional Director shall rule upon all such motions filed prior to the hearing, and the Trial Examiner shall rule upon all such motions filed at the hearing, in the manner set forth in Section 15 of this Article. The Regional Director or the Trial Examiner, as the case may be, may by order permit intervention in person or by counsel to such extent and upon such terms as he shall deem just. The Regional Director shall cause a copy of said ruling to be served upon each of the parties to the proceeding.

Witnesses and Subpenas.

Sec. 20. Witnesses shall be examined orally under oath, except that for good and exceptional cause the Trial Examiner may permit their testimony to be taken by deposition under oath. Any such deposition shall be taken in accordance with the procedural requirements for the taking of depositions provided by the law of the State in which the hearing is pending.

Sec. 21. Any member of the Board may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents that relate to any matter under investigation or in question, before the Board, its member, agent, or agency, conducting the hearing or investigation. Applications for the issuance of such subpoenas may be filed by any party to the proceedings with the Regional Director, or, during the hearing, with the Trial Examiner. Such applications shall be timely and shall specify the name of the witness and the nature of the facts to be proved by him, and must specify the documents, the production of which is desired, with such particularity as will enable them to be identified for purposes of production.

Sec. 22. Witnesses summoned before the Trial Examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

Hearing.

Sec. 23. The hearing for the purpose of taking evidence upon a complaint shall be conducted by a Trial Examiner specifically designated by the Board, by the Chief Trial Examiner, or by the Regional Director. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. Such hearings shall be public, unless otherwise ordered by the Trial Examiner.

Sec. 24. It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence.

Sec. 25. Any party to the proceeding shall have the right to appear at such hearing in person, by counsel, or otherwise, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.

Sec. 26. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

Sec. 27. In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

Sec. 28. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, shall be stated orally, together with a short statement of the grounds of such objection, and included in the stenographic report of the hearing. No such objection shall be deemed waived by further participation in the proceeding.

Sec. 29. Any party to the proceeding shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the Trial Examiner so directs. The parties shall be entitled to file briefs or written statements only with permission of the Trial Examiner.

Sec. 30. In the discretion of the Trial Examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the Trial Examiner, or by other appropriate notice.

Sec. 31. Contemptuous conduct at any hearing before a Trial Examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall be ground for the striking out of all testimony previously given by such witness on related matters.

Intermediate Report and Transmission of Case to the Board.

Sec. 32. After a hearing for the purpose of taking evidence upon a complaint, the Trial Examiner shall prepare an Intermediate Report, which he shall file with the Regional Director issuing the complaint, who will thereafter transmit the original of the Intermediate Report to the Board in Washington, D. C., and cause a copy thereof to be served upon each of the parties to the proceeding. Such report shall contain (a) findings of fact, separately stated and numbered, and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that respondent has engaged in or is engaging in the alleged unfair labor practice, a recommendation as to what affirmative action should be taken by respondent to bring about a condition in harmony with the law.

Sec. 33. Thereafter the Regional Director issuing the complaint shall forward to the Board in Washington, D. C., the charge, complaint, amended complaint, notice of hearing, answer, amended answer, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which, together with the Intermediate Report and exceptions, shall constitute the record in the case.

Exceptions to the Record and Intermediate Report.

Sec. 34. If any party desires to take an exception to the Intermediate Report or to any other part of the 2070 record (including rulings upon all motions or objections) he shall within ten days from the date of service of the Intermediate Report file with the Board at Washington, D. C., four copies of a statement in writing setting forth such exceptions. Immediately upon the filing of the statement of exceptions the party filing the

same shall serve a copy thereof upon each of the other parties to the proceeding. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions.

Sec. 35. No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as submission of the case to the Board on the record and the Intermediate Report.

Procedure Before the Board.

Sec. 36. Where the Trial Examiner has found in his Intermediate Report that the respondent has engaged in or is engaging in unfair labor practices affecting commerce, the Board may, upon the expiration of the period for filing a statement of exceptions, as provided in Section 34 of this Article, decide the matter forthwith upon the record, or after the filing of briefs, or oral argument, or may reopen the record and receive further evidence, or require the taking of further evidence before a member of the Board or other agent or agency, or may make other disposition of the case. The Board shall notify the parties of the time and place for any such submission of briefs, oral argument, or taking of further evidence.

Where the Trial Examiner has found in his Intermediate Report that the respondent has not engaged in and is not engaging in unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions, as provided in Section 34 of this Article, the case shall be considered closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this Section.

Sec. 37. Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may permit a charge to be filed with it, in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to Section 2 of this Article, order that such charge, and any proceeding which may have been instituted in respect thereto—

(a) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(b) be consolidated for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same region; or

2071 (c) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in or transferred to such other Region, or for any other purpose.

The provisions of Sections 3 to 31, inclusive, of this Article shall, in so far as applicable, apply to proceedings before the Board pursuant to this Section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this Section, be reserved to and exercised by the Board. After the transfer of any charge and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to this Section, the provisions of Sections 3 to 36, inclusive, of this Article, shall apply to such charge and such proceeding as if the charge had originally been filed in the Region to which the transfer is made.

Sec. 38. After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with Section 37 of this Article, the Board may—

(a) direct that the Trial Examiner prepare an Intermediate Report, in which case the provisions of Sections 32 to 36, inclusive, of this Article shall in so far as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this Section be reserved to and exercised by the Board; or

(b) decide the matter forthwith upon the record, or after the filing of briefs or oral argument; or

(c) reopen the record and receive further evidence, or require the taking of further evidence before a member of the Board, or other agent or agency; or

(d) make other disposition of the case.

The Board shall notify the parties of the time and place of any such submission of briefs, oral argument, or taking of further evidence.

Article III.**Procedure Under Section 9 (c) of the Act for the Investigation and Certification of Representatives.**

Section 1. A petition requesting the Board to investigate and certify under Section 9 (c) of the Act the name or names of the representatives designated or selected for the purpose of collective bargaining may be filed by any employee or any person or labor organization acting on his behalf (hereinafter referred to as the "petitioner").

Except as provided in Section 10 of this Article, such 2072 petition shall be filed with the Regional Director for the Region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more Regions, with the Regional Director for any of such Regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of the petition shall be filed. A blank form for filing such a petition will be supplied by the Regional Director upon request.

Sec. 2. Such petition shall contain the following:

(a) The name and address of the petitioner.
(b) The name and address of the employer or employers involved, the general nature of their businesses, and the approximate number of their employees.

(c) A description of the bargaining unit claimed to be appropriate, the approximate number of employees therein, the number and classifications of employees which the representatives on whose behalf the petition is filed claim to represent, the names of any other known individuals or labor organizations who claim to represent any of the employees in the alleged bargaining unit.

(d) A brief statement setting forth the nature of the question or controversy affecting commerce that has arisen concerning representation.

(e) Any other relevant facts.

Sec. 3. If it appears to the Board that an investigation should be instituted it shall so direct and (except as provided in Section 10 of this Article) shall authorize the Regional Director to undertake such investigation, and to provide for an appropriate hearing upon due notice, either in conjunction with a proceeding instituted pursuant to

Section 5 of Article II of these Rules and Regulations, or otherwise. The Regional Director shall thereupon proceed with such investigation and in connection therewith shall prepare and cause to be served upon the petitioners, upon the employer or employers involved, and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation (all of whom are hereinafter referred to as "the parties to the proceeding"), a notice of hearing upon the question of representation before a Trial Examiner at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing.

Sec. 4. All matters relating to motions, interventions, witnesses, and subpoenas shall be governed by the provisions of sections 14 to 22, inclusive, of Article II of these Rules and Regulations.

2073 Sec. 5. The hearing upon the question of representation shall be conducted by a Trial Examiner specially designated by the Board, by the Chief Trial Examiner, or by the Regional Director, and shall be open to the public unless otherwise ordered by the Trial Examiner. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. It shall be the duty of the Trial Examiner to inquire fully into the question of representation. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence.

Sec. 6. The introduction of evidence at the hearing and the rights of the parties to the proceedings shall be governed by Sections 25 to 31, inclusive, of Article II of these Rules and Regulations.

Sec. 7. Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

Sec. 8. The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to certify to the parties to the proceeding the name or names of the representatives that have been designated or selected, or to direct a secret ballot of the

employees in order to complete the investigation, or to make other disposition of the matter.

Sec. 9. Where the Board determines that a secret ballot should be taken it shall direct such ballot to be conducted by a designated agent upon such terms as it may specify. Upon conclusion of such ballot the agent conducting the ballot shall prepare an Intermediate Report containing a tally of the ballots, his findings and recommendations, which he shall cause to be served upon the parties to the proceeding. Within five days thereafter the parties to the proceeding may file with the Regional Director any objection to the ballot or the Intermediate Report. If it appears to the Regional Director that any such objection raises a substantial and material issue with respect to the conduct of the ballot he shall issue and cause to be served upon the parties a notice of hearing on said objections before a Trial Examiner. Said Trial Examiner shall consider such objections raised to said ballot and shall prepare and file with the Regional Director a report containing findings and recommendations with respect thereto. Thereafter the Regional Director shall forward to the Board in Washington, D. C., the Intermediate Report of the agent conducting the ballot, the

2074 objections filed thereto, the notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which, together with the record previously made, shall constitute the record in the case. The Board shall thereupon proceed as set forth in Section 8 of this Article. If no objection raising a substantial and material issue with respect to the conduct of the ballot is filed to the Intermediate Report of the agent conducting the ballot the Regional Director shall forward directly to the Board in Washington, D. C., the Intermediate Report, which, together with the record previously made, shall constitute the record in the case. The Board shall thereupon proceed as set forth in Section 8 of this Article.

Sec. 10. Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may—

(a) permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under Section 9 (c) of the Act, or direct any Regional Director, or other agent or agency, to conduct such an investigation; or

(b) upon its own motion conduct, or direct any member, Regional Director, or other agent or agency to conduct an investigation under Section 9 (c) of the Act; or

(c) at any time after a petition has been filed with a Regional Director pursuant to Section 1st of this Article, order that such petition, and any proceeding which may have been instituted in respect thereto—

(1) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose.

The provisions of this Article shall, insofar as applicable, apply to proceedings conducted pursuant to subsections (a), (b), and (c) (1) of this Section, and the powers granted to Regional Directors in such provisions shall for the purpose of this Section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to subsection (c) (3) of this Section, the provisions of this Article shall apply to such proceeding as if the Board had originally directed that the investigation be conducted in the Region to which the transfer is made.

Article IV.

Designation of Regional Directors, Examiners, and Attorneys as Agents of the Board.

Section 1. All Regional Directors now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of em-

ployees) and conduct hearings in connection with such investigations, in accordance with Section 9 (c) of the Act.

(c) To issue and cause to be served complaints, to amend complaints, and to conduct hearings upon such complaints, in accordance with Section 10 (b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

Sec. 2. All Examiners now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees), in accordance with Section 9 (c) of the Act.

(c) To have access to and the right to copy evidence, and to administer oaths and affirmations, in accordance with Section 11 (1) of the Act.

Sec. 3. All Attorneys now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with Section 9 (c) of the Act.

(c) To amend complaints issued under Section 10 (b) of the Act and to conduct hearings upon complaints issued in accordance with Section 10 (b) of the Act.

2076 (d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

Sec. 4. The foregoing designations shall not be construed to limit the power of the Board to make such special designation of agents as may in its discretion be necessary or proper to effectuate the purposes of the Act.

Article V.

Service of Papers.

Section 1. Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

Sec. 2. Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

Article VI.

Certification and Signature of Documents.

Section 1. The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

Sec. 2. The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, is hereby authorized to sign all orders of the Board, and sign and issue all complaints authorized to be issued by the Board.

2077

Article VII.

Construction of Rules.

Section 1. These rules and regulations shall be liberally construed to effectuate the purposes and provisions of the Act.

Article VIII.**Amendments.**

Section 1. Any rule or regulation may be amended or rescinded by the Board at any time.

2078

Appendix.**National Labor Relations Act.****(48 Stat. 449)****An Act**

To diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Findings and Policy.

Section 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of

competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Definitions.

Sec. 2. When used in this Act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic serv-

ice of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(9) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(10) The term "National Labor Relations Board" means the National Labor Relations Board created by section 3 of this Act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order Numbered 6763 of the President on June 29, 1934, pursuant to Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), and reestablished and continued by Executive Order Numbered 7074 of the President of June 15, 1935, pursuant to Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and continued by Senate Joint Resolution 133¹ approved June 14, 1935.

¹ So in original.

National Labor Relations Board.

Sec. 3. (a) There is hereby created a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of three years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as the chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

2081 **(b)** A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

Sec. 4. (a) Each member of the Board shall receive a salary of \$10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this

Act shall be construed to authorize the Board to appoint individual for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease to exist. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil service status. All records, papers, and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this Act.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

Sec. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

Sec. 6. (a) The Board shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

Rights of Employees.

Sec. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Sec. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: Provided, That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

2083 (4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

Representatives and Elections.

Sec. 9. (a) Representatives designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall by the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: Provided, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

(b) The Board shall decide in each case whether, in order

to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain¹ such representatives.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

Prevention of Unfair Labor Practices.

Sec. 10 (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any 2084 unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five

¹ So in original.

days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(c) The testimony taken by such member, agent or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

2085 (e) The Board shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such

person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief
2086 sought may obtain a review of such order in any circuit court of appeals of the United States in the cir-

cuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101-115).

(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

Investigatory Powers.

Sec. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that

relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any 2087 matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpoena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth

the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

2088 (5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

Sec. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

Limitations.

Sec. 13. Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

Sec. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, sec. 707 (a)), as amended from time to time, or of section 77-B, paragraphs (l) and (m) of the Act approved June 7, 1934, entitled 'An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States' approved July 1, 1898, and Acts amendatory thereof and supplementary thereto' (48 Stat. 922, pars. (l) and (m)), as amended from time to time, or of Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this Act, this Act shall prevail: Provided, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

Order Designating Trial Examiner.

Sec. 15. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 16. This Act may be cited as the "National Labor Relations Act."

Approved, July 5, 1935.

2090

UNITED STATES OF AMERICA.**NATIONAL LABOR RELATIONS BOARD.**

I, Beatrice M. Stern, Assistant Secretary of the National Labor Relations Board, and official custodian of its records, do hereby certify that attached is a full, true, and complete copy of:

Order Designating Trial Examiner in the Matter of Link Belt Company and Lodge 1604 of Amalgamated Association of Iron Steel and Tin Workers of North America, through the Steel Workers Organizing Committee affiliated with the C.I.O., Case No. XIII-C-303.

In Witness Whereof, I have hereunto subscribed my name and caused the seal of the National Labor Relations Board to be affixed this 11th day of March, A. D. 1938, at Washington, D. C.

(Seal)

Beatrice M. Stern,
Assistant Secretary.

Entered
Mar. 11,
1938.

2091 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

* * (Caption—XIII-C-303) * *

ORDER DESIGNATING TRIAL EXAMINER.

A charge having been filed in this matter, and it having appeared to the Regional Director of the Thirteenth Region that proceeding in respect thereto should be instituted, and the Board having considered the matter and being advised in the premises,

It Is Hereby Ordered that Hugh C. McCarthy act as

Trial Examiner in the above case and perform all the duties and exercise all the powers granted to trial examiners under the Rules and Regulations—Series 1, as amended, of the National Labor Relations Board.

Dated, Washington, D. C., March 11, 1938.

By direction of the Board:

(Seal)

George O. Pratt,
George O. Pratt,
Chief Trial Examiner.

2093

BOARD EXHIBIT NO. 1

BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-303) • •

Date filed: March 1, 1938.

Docketed 2-2-38.

CHARGE—SECOND AMENDED.

Pursuant to Section 10(b) of the National Labor Relations Act, the undersigned hereby charges that Link Belt Company, 39th & Princeton Avenue, Chicago, Illinois, has engaged in and is engaging in unfair labor practices within the meaning of Section 8, subsections (1) and (2) (3) of said Act, in that

1. The Link Belt Company, hereinafter called the company, acting by and through its officers and agents has interfered with, restrained and coerced and does now interfere with, restrain and coerce its employees in the rights guaranteed to employees in Section 7 of the Act.

2. The company has dominated and interfered with the formation and administration of a labor organization of its employees known as the Independent Union of Craftsmen, and has contributed and does now contribute financial and other support thereto, and does now assist, support and encourage membership in the Independent Union of Craftsmen.

3. The company on September 21, 1936 did discharge Louis Salmons, on September 28, 1936 did discharge Joseph E. Novak, on October 1, 1936 did discharge Nels Carls Sorenson, on May 19, 1937 did discharge Nick Cumorich and Mike Karobl, on November 9, 1937, did discharge

Paul Bozrich, on November 17, 1937 did discharge Stanley Balcauski, on November 30, 1937 did discharge John Kalamarie, and on December 8, 1937 did discharge Harry Johnson, for the reason that each of the named employees had joined and assisted the Amalgamated Association of Iron Steel and Tin Workers of North America, hereinafter called the union, and for the further purpose of discouraging other employees from becoming or remaining members of said union. Except as noted below, the company has failed and refused and now fails and refuses to reinstate each of the above named persons.

4. On December 21, 1936 the company reinstated Louis Salmons and on January 13, 1937 the company reinstated Joseph E. Novak, upon the express promise of each of these employees that they would not engage in union activities.

The undersigned further charges that said unfair labor practices are unfair labor practices affecting commerce within the meaning of said Act.

Name and address of person or labor organization making the charge. (If made by a labor organization, give also the name and official position of the person acting for the organization.)

Lodge 1604 Amalgamated Association
of Iron Steel & Tin Workers of
North America, Thru Steel Workers
Organizing Committee—CIO,

By John J. Brownlee,
John J. Brownlee, Agent,
1910 Engineering Building,
Chicago, Illinois.

Subscribed and sworn to before me this first day of
March, 1938.

I. S. Dirfman,
Regional Attorney.

2094 BEFORE THE NATIONAL LABOR RELATIONS BOARD.
• • (Caption—XIII-C-303) • •

AFFIDAVIT OF SERVICE.

County of Cook, }
State of Illinois. } ss.

Raymond A. Jacobson, acting as agent for the National Labor Relations Board, being duly sworn, deposes and says that on March 4, 1938, he served a true and correct copy of Complaint, Notice of Hearing, Second Amended Charge, and Rules and Regulations, Series 1, as amended, by leaving said copies with:

1. Link Belt Company at 307 N. Michigan Ave., Chicago, Illinois.

2. Mr. Benjamin Wham, Attorney for the Independent Union of Craftsmen at 231 S. La Salle Street, Chicago, Illinois.

Raymond A. Jacobson.

Subscribed and Sworn To before me this 8th day of March, A. D. 1938, at Chicago, Illinois.

(Seal) Anna M. McElligott,
Notary Public.

My com. expires Dec. 1941.

2095 BEFORE THE NATIONAL LABOR RELATIONS BOARD.
• • (Caption—XIII-C-303) • •

AFFIDAVIT OF SERVICE.

County of Cook, }
State of Illinois. } ss.

Ida N. Myers, acting as agent for the National Labor Relations Board, being duly sworn, deposes and says that on March 4, 1938, she served a true and correct copy of Complaint, Notice of Hearing, Second Amended Charge, and Rules and Regulations, Series 1, as amended, by sending said copy by registered mail to Mr. John J. Brownlee, who is the representative of Amalgamated Association of

Iron Steel and Tin Workers of North America, through the Steel Workers Organizing Committee affiliated with the Committee for Industrial Organization, Lodge 1604, at 1910 Engineering Building, Chicago, Illinois; and deponent further states that thereafter she received return delivery receipt therefor, dated March 5, 1938, and numbered 866904, attached hereto and made a part hereof.

Ida N. Myers.

Subscribed and Sworn to before me this 8th day of March, A. D. 1938, at Chicago, Illinois.

Anna M. McElligott,
Notary Public.

(Seal)

Com. expires Dec. 1941.

2096 Form 3806 (Rev. Jan. 21, 1935)

Receipt for Registered Article
No. 866904

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• 2098 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-303) • •

ANSWER OF RESPONDENT.

Comes now Link-Belt Company, respondent in the above entitled matter, and for answer to the complaint herein respectfully states:

1. Respondent admits the allegations of fact contained in paragraph 1 of the complaint.

2. Respondent admits the allegations of fact contained in paragraph 2 of the complaint.

3. Respondent admits the allegations of fact contained in paragraph 3 of the complaint, except that it denies that it uses iron ore as a raw material in its plant at 39th and Princeton Avenue, Chicago, Illinois.

4. Respondent has no knowledge of the allegations contained in paragraph 4 of the complaint and therefore neither admits nor denies said allegations.

5. Respondent denies each and every of the allegations of fact, conclusions of fact and conclusions of law contained in paragraph 5 of the complaint, except that it admits that on or about April 21, 1937, it recognized 2099 the Independent Union of Craftsmen as the sole agent for the purpose of collective bargaining for respondent's employees in a unit appropriate for that purpose.

6. Respondent denies each and every of the allegations of fact, conclusions of fact and conclusions of law contained in paragraph 6 of the complaint.

Further answering paragraph 6 of said complaint, respondent avers that Nels Carls Sorenson was discharged by respondent on or about October 1, 1936, for failure to perform his duties as an employee in an efficient and workmanlike manner and because he persistently loafed while on the job and interrupted his fellow employees in the performance of their duties.

Further answering paragraph 6 of said complaint, respondent avers that it discharged Nick Cumorich and Mike Karobl on or about May 19, 1937, because each of said persons was and persisted in continuing to be an inefficient and inferior workman, unwilling or incapable of properly performing his duties for which he was employed.

Further answering paragraph 6 of the complaint, re-

spondent avers that it laid off Paul Bozurich, Stanley Balcauski, John Kalamarie and Harry Johnson, along with a large number of other employees, due to reduced operations and necessary reduction of working forces.

7. Respondent denies each and every of the allegations of fact, conclusions of fact and conclusions of law contained in paragraph 7 of the complaint.

Further answering paragraph 7 of the complaint, respondent avers that it discharged Louis Salmons on or about September 21, 1936, for good and sufficient cause, and reinstated him to his former employment on or about December 21, 1936, upon the suggestion of the then Regional Director of the National Labor Relations Board in the Thirteenth Region.

Further answering paragraph 7 of the complaint, respondent avers that it discharged Joseph E. Novak on or about September 28, 1936, for good and sufficient cause, and that thereafter it reinstated him to his former employment.

8. Respondent admits that it did on or about December 21, 1936, reinstate said Louis Salmons to his former position in the plant and admits that on or about January 13, 1937, it did reinstate Joseph E. Novak to his former position in the plant, but denies each and every allegation of fact contained in said paragraph 8 of the complaint.

9. Respondent denies each and every of the allegations of fact contained in paragraph 9 of the complaint.

10. Respondent denies each and every of the allegations of fact, conclusions of fact and conclusions of law contained in paragraph 10 of the complaint.

11. Respondent denies each and every of the allegations of fact contained in paragraph 11 of the complaint.

12. Respondent admits that it is a member of the National Metal Trades Association, but denies each and every of the other allegations of fact, conclusions of fact and conclusions of law contained in paragraph 12 of the complaint.

13. Respondent denies each and every of the allegations of fact, conclusions of fact and conclusions of law contained in paragraph 13 of the complaint.

14. Respondent denies each and every of the allegations of fact, conclusions of fact and conclusions of law contained in paragraph 14 of the complaint.

15. Respondent denies each and every of the allegations

tions of fact, conclusions of fact and conclusions of law contained in paragraph 15 of the complaint.

16. Further answering said complaint, respondent avers that the alleged discriminatory discharges of Nels Carls Sorenson, Louis Salmons and Joseph E. Novak have heretofore been investigated, passed upon and settled by respondent and the National Labor Relations Board acting through its then Regional Director for the Thirteenth Region.

17. Further answering said complaint, respondent avers that the complaining union and each of the persons alleged in said complaint to have been discriminatorily discharged by said respondent is guilty of laches in that an unreasonable length of time has elapsed between the alleged discriminatory acts of respondent and the service of the complaint herein upon respondent.

Wherefore, respondent respectfully prays that the complaint herein be dismissed.

Link-Belt Company,
By E. L. Berry,
Assistant General Manager.

Pope & Ballard,
120 South La Salle Street,
Chicago, Illinois,
Attorneys for Respondent.

2102 State of Illinois, } ss.
County of Cook.

E. L. Berry, being first duly sworn, on oath deposes and says that he is Assistant General Manager of Link-Belt Company; that he has read the foregoing answer and is familiar with the matters and things therein set forth; that said answer is true, except as to such matters and things as are therein stated to be on information and belief, and as to such matters he believes them to be true.

E. L. Berry.

Subscribed and sworn to before me this 10th day of March, 1938.

William F. Price,
Notary Public.

(Seal)

My Commission Expires May 23, 1941.

2104 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-303) • •

**MOTION FOR INTERVENTION BY INDEPENDENT
UNION OF CRAFTSMEN AND LOCAL LODGE NO.
1 THEREOF.**

1. Come now the Independent Union of Craftsmen and Local Lodge No. 1 thereof by Benjamin Wham, their attorney, and respectfully represent to this Board that the Independent Union of Craftsmen is a labor organization incorporated under the laws of the State of Illinois as a corporation not for profit; that the membership of Local Lodge No. 1 is composed entirely of employees in the 39th Street and Princeton Avenue Plant of the respondent Link Belt Company.

2. Your petitioners deny the allegation in paragraph 5 of the complaint that on or about April 19, 1937 the respondent Link Belt Company did instigate the formation of your petitioners among its employees and that from that date down to and including the date of the filing of the complaint herein it advised, urged and warned its employees to join your petitioners and did otherwise foster, promote and encourage the formation and growth of your petitioners; and your petitioners further deny the allegation that respondent did dominate and interfere with the administration of your petitioners and did contribute financial and other support thereto. Your petitioners admit that the respondent did, on or about April 21, 1937, recognize your petitioners as the sole bargaining agent for all employees in its Plant at 39th Street and Princeton Avenue, Chicago, Illinois, but your petitioners 2105 deny that the respondent did in any way engage in or is engaging in unfair labor practices within the meaning of the Act in its dealings with your petitioners.

3. Your petitioners deny the allegation in paragraph 9 of the complaint herein that on or about May 20, 1937 the respondent did hire Frank Solinko, son of Peter Solinko, an employee of respondent, on condition that Peter Solinko become a member of your petitioners.

4. Your petitioners deny the allegation in paragraph 10, of the complaint herein that the acts set forth in paragraph 6, 7, 8 and 9 of the respondent did encourage and are encouraging membership in your petitioners and

Motion for Intervention.

that said respondent by its said acts engaged in unfair labor practices within the meaning of the Act.

5. Your petitioners deny the allegation in paragraph 11 of the complaint herein that the respondent on or about April 19, 1937, down to and including the date of the filing of the Complaint herein, did promise to employ its workers more days per week and more hours per day in the event that they all become members of your petitioners, and that it did on or about April 20, 1937 by its supervisory employees sign the names of many of its employees without the authorization of such employees to petitions which were circulated in the Plant soliciting members in behalf of your petitioners. Your petitioners further deny that any of the acts of the respondent Link Belt Company performed in connection with your petitioners constitute unfair labor practices within the meaning of the Act.

6. Your petitioners further represent that, since on or before April 21, 1937 continuously to the present time, a majority of employees in said Plant of the respondent company have designated your petitioners as their exclusive representative for the purposes of collective bargaining with the respondent company, and that by virtue of the law your petitioners have been, during this period, the exclusive representatives of all employees in 2106 said Plant for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment and other conditions of employment.

7. Your petitioners further represent that they, as the exclusive representatives of all employees of said respondent company in said Plant, have engaged in collective bargaining with said company on behalf of all employees with respect to rates of pay, wages, hours of employment and other conditions of employment; that they have been successful in obtaining various benefits, including increased wages; that under their agreement with respondent company collective bargaining is constantly in progress and your petitioners have fully represented all the employees in said Plant.

8. Your petitioners further represent that they are advised that it is the practice of the Board in upholding a complaint of the character of the complaint herein, among other things, to order the respondent company to disestablish a labor organization which the Board finds to have been supported and dominated by said company; that it is

thus imperative that your petitioners be permitted to intervene in this proceeding in order that they may defend against the charges in said complaint and in order that they may continue in existence as bona fide labor organizations and carry out the wishes of the majority of the employees in said Plant as the exclusive representatives of such employees for the purposes of collective bargaining.

Wherefore, your petitioners pray that they may be permitted to intervene fully in this proceeding, to answer said complaint, to present evidence on all points at issue, examine or cross examine all witnesses, present arguments on all issues and that they may be placed on a parity with the respondent labor organizations.

Respectfully submitted,

Benjamin Wham,

Benjamin Wham,

*Attorney for Independent Union of
Craftsmen and Local Lodge No. 1
thereof.*

2107 State of Illinois, }
County of Cook. } ss.

George F. Linde being first duly sworn upon oath deposes and says that he is the Secretary of the Independent Union of Craftsmen, a labor organization incorporated as an Illinois corporation not for profit; that he has read the foregoing motion, and that the same is true to the best of his information and belief.

George F. Linde.

Subscribed and Sworn to before me this 12th day of March, 1938.

Benjamin Wham,

(Seal)

Notary Public.

2108 Endorsed: Before the National Labor Relations Board * * (Caption—XIII-C-303) * * Motion for Intervention by Independent Union of Craftsmen (Original) Received Mar 12 1938.

1 BEFORE THE NATIONAL LABOR RELATIONS BOARD.
(Caption—XIII-C-303)

(Filed Sep 26 1939 Frederick G. Campbell Clerk.)

Room 777, United States Court House,
Chicago, Illinois,
Monday, March 14, 1938.

The above entitled matter came on for hearing, pursuant to notice, at 9:30 o'clock a. m.

Before:

Hugh C. McCarthy, Trial Examiner.

Appearances:

Stephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Messrs. Pope & Ballard, by Edward W. Ford and William F. Price, 120 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, 231 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Intervener, Independent Union of Craftsmen, Local Lodge No. 1.

2

PROCEEDINGS.

Trial Examiner McCarthy: We will proceed, gentlemen, in the matter of the Link Belt Company and Lodge 1604 of Amalgamated Association of Iron, Steel and Tin Workers of North America, through the Steel Workers Organizing Committee, affiliated with the Committee for Industrial Organization.

The Examiner wishes to inform all parties that the Board's reporter makes the only official transcript of these proceedings. All citations, briefs, or arguments based upon the record must cite the official transcript in all references to the record. The Board will not certify any transcript other than its official transcript for use in any court litigation.

You may proceed.

Mr. Reynolds: As Board's Exhibit No. 1 I offer the complaint in this case, together with a copy of the Rules

and Regulations; the second amended charge filed under date of March 1, 1938, signed by John J. Brownlee, for the Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge 1604; the affidavit of service of complaint, notice of hearing and the second amended charge, and Rules and Regulations, upon Link Belt Company and Mr. Benjamin Wham, attorney for the Independent Union of Craftsmen, executed by Raymond A. Jacobson, agent for the Board; affidavit of service executed by Ida N. Myers, as agent for the Board of the complaint, notice of hearing, second amended charge, and rules and regulations, on Mr. John J. Brownlee, as representative of the Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge 1604; the answer of the Respondent in this case, signed by Mr. E. L. Berry; and a motion for intervention by the Independent Union of Craftsmen, Local Lodge No. 1 thereof, signed by Benjamin Wham.

Mr. Wham: Is there any order on that?

Mr. Reynolds: No, there is no order on that.

At this time I want to state for the record that it has come to my attention that there is some question as to whether Mr. Wham does represent the Independent Union of Craftsmen, and I think perhaps that might be considered by the Trial Examiner before ruling on the petition to intervene.

Trial Examiner McCarthy: Let us see the petition.

Have you got an extra copy of it?

Mr. Wham: I have one that is marked up a little bit.

Mr. Reynolds: Here is one.

(Handing document to the Trial Examiner.)

Mr. Wham: I have the president of the Independent, that is, of the general body, and the president of Local Lodge No. 1, here, if you want or desire testimony on the question of my authority.

Trial Examiner McCarthy: Just a minute.

Mr. Ford: I would like to know how that information trickled to the Board. It looks like there is espionage by others than the Respondent.

Trial Examiner McCarthy: Just a minute. We are considering now this motion to intervene. The Examiner will hear testimony on the authority of Mr. Wham, if there is any question about that.

Mr. Reynolds: Yes, I raise a question as to his authority.

Trial Examiner McCarthy: The Examiner will hear testimony on it. All of the documents except the motion for intervention will be admitted as Board's Exhibit 1.

(Thereupon the documents above referred to were marked "BOARD'S EXHIBIT NO. 1", and were received in evidence.)

Mr. Wham: Mr. Ross, will you take the stand?

ARTHUR B. ROSS, a witness called by and on behalf of the Independent Union of Craftsmen, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Trial Examiner McCarthy.) What is your full name, please?

5 A. Arthur B. Ross.

Q. (By Mr. Wham.) Where do you work, Mr. Ross?

Q. (By Trial Examiner McCarthy.) What is your address, please?

A. 353 East 76th Street.

Q. 353?

A. East 76th Street.

Q. Chicago?

A. Yes, sir.

Q. (By Mr. Wham.) Where do you work, Mr. Ross?

A. I work at the Link Belt, the 39th Street plant, Department DK.

Q. (By Trial Examiner McCarthy.) What department is that again?

A. That is the crane department.

Q. (By Mr. Wham.) Are you an official of the Independent Union of Craftsmen, a labor organization?

A. Yes, sir, I am president of the plant local, Independent Union of Craftsmen.

Q. (By Trial Examiner McCarthy.) What is the number of the local?

A. Local No. 1.

Mr. Wham: I might say we have two of them, but apparently this charge is only against one of them.

6 Q. (By Mr. Wham.) Has the Independent Union, Local Lodge No. 1, considered the question of intervention in this hearing?

A. Yes, sir.

Q. At what time?

A. Friday, at the regular designated meeting.

Q. (By Trial Examiner McCarthy.) What date is that?
Last Friday, do you mean?

A. Yes, sir.

Q. (By Mr. Wham.) What action, if any, was taken?

A. By a duly made motion, carried unanimously, we decided to have Mr. Wham represent us as our attorney during these proceedings.

Q. And did the resolution include the authority to intervene on behalf of the Local Lodge?

A. Yes, sir.

Q. And present the case of the Local Lodge before the Board?

A. Yes, sir.

Mr. Wham: I believe that is all.

Cross-Examination.

Q. (By Mr. Reynolds.) Mr. Ross, did you have a meeting prior to Friday of last week?

A. Yes, sir, we did.

Q. What was done at that time?

A. There was a motion made and it was decided not to have an attorney at that time, but the motion was overruled, amended Friday night.

Q. Was that a regular meeting?

A. That was a special—Friday night, it was a regular meeting, yes, sir.

Q. How many were present?

A. Offhand I would say probably seventy.

Mr. Reynolds: That is all.

I will withdraw my observation about the intervention.

Trial Examiner McCarthy: The motion of the Independent Union of Craftsmen, Local Lodge No. 1, to intervene in this proceeding will be granted, but the intervention will be strictly limited to matters concerning allegations of violations of Sections 8, sub-division 2 of the Act.

Mr. Wham: We would like to have that ruling extended, if your honor please, to permit us to show affirmatively that we are a labor organization, that we have bargained collectively, and all of the surrounding facts concerning that.

Trial Examiner McCarthy: That will be done.

You may proceed.

The motion to intervene will be made a part of Board's Exhibit 1.

Mr. Ford: Mr. Examiner, before we proceed with the hearing, I should like to move that certain portions of the complaint—

Trial Examiner McCarthy: Have you an extra copy?

Mr. Reynolds: I am afraid I haven't.

Mr. Ford: (Continuing.) —be either stricken or amended so as to particularize the allegations sufficiently to enable the Respondent to identify the alleged violations of the Act which are referred to; and to enable the Respondent properly to prepare its defense, whatever defense may be necessary to such allegations.

My motion is directed particularly to the following paragraphs; Paragraph 4, which refers to a union, and does not identify it as being any particular union at any other point in the complaint; and the only way I am able to identify it is by using my imagination. I think for the purposes of the record it should be identified as being a particular union.

With respect to paragraph 5 of the complaint my motion to either strike or particularize is directed to the fact that in the main the paragraph refers to generalities and conclusions without naming who or what, where or how, or in what manner the Respondent is alleged to have instigated, dominated, and so forth. As the allegations stand, it would be incumbent upon the Respondent to interview somewhere in the neighborhood of a thousand employees to find out to what the general allegations refer and to whom they refer.

Likewise, in paragraph 6, the conclusion is alleged that certain employees were discharged and refused reemployment because of union activities. We don't know from the complaint who discharged them, who refused to reemploy them, or what the alleged union activities were that are supposed to have been responsible for the general acts mentioned.

The same thing is true in paragraph 7 and in paragraph 8. It is alleged that certain persons were reemployed after discharge upon conditions which, if true, constitute a violation. We don't know who of the Respondent's many officers, agents and employees is responsible for the imposition of the conditions set forth in paragraph 8; and frankly

we cannot find out, and therefore request that we be told so that we can identify the persons actually referred to and proceed to prepare our defense.

In paragraph 9 we are again charged with employing a certain person upon another condition, which, if true, is a violation of the Act. We don't know who or under what circumstances this alleged condition is supposed to have been imposed other than the allegation that "Respondent, by its officers, agents and employees," which again puts us to the burden of interviewing a thousand persons before we can find out to whom the allegation refers.

10 Likewise, in paragraph 11, it is alleged that certain things were held out by the "Respondent, by its officers, agents and employees", as an inducement to join a certain organization and to refrain from joining another. Again we do not know who they are, and we cannot find out by diligent effort, and we have no way of knowing.

That information is solely in the Board's possession, and we ask that the officer, agent or employee who is supposed to have made such promises or threats be identified so we can find that person or persons, if any there be, and examine into the facts and prepare our defense.

In paragraph 12 it is categorically stated that we have employed operatives for the purpose of espionage in relation to union affiliations or activities of its employees; and we request that the Board be ordered to particularize the paragraph and name the person or persons who are alleged to be operatives for the purpose stated. That is a serious and a very important allegation; and I believe, not only to enable the Respondent to prepare its defense, but for the protection of the alleged agent or operative his name should be disclosed and incorporated in this complaint before we go forward.

One of the greatest burdens that the Respondents in these cases have to face in preparing cases for trial is the uncertainty and the general manner in which the complaints have been drawn; and it is literally true that—

11 Mr. Reynolds: If the Examiner please,—

Mr. Ford: (continuing.) —in every single case the Respondent is unable literally to prepare any defense to the charges in the complaint until after the Board's case is in.

I say that from firsthand knowledge. I think in all fairness, and looking toward a speedy, fair and proper presentation of all of the evidence that the complaint should be sufficiently definite and specific to enable the Respondent to identify the acts which are referred to, so that it can pre-

pare any defense, if it has a defense, to the alleged charges; and if it has no defense, so far as this Respondent is concerned, it would enable it to come forward and say "This is the fact."

Mr. Reynolds: If the Examiner please, it has always been my understanding that a principal has constructive knowledge of the acts of his agents. I don't see why we are forced to plead evidence in this case. We have given adequate notice of the charges in the complaint, and we are going ahead with those specific charges, and the Respondent should be able to answer to the charges.

Now, insofar as the names are concerned, those names will appear in due course; and if the Board's allegations are true it will show that the Respondent did have knowledge of these matters. If they are not true, then the Board's proof fails. I don't think that we are called upon to make it any more specific than already appears in the complaint.

Mr. Ford: I would agree with Mr. Reynolds on that point, and I am not asking that the Board plead its evidence. I certainly don't want Mr. Reynolds to have that idea.

But the complaint charges that the "Respondent, its officers, agents and employees" did certain things. Now, its officers, agents and employees in this particular plant number in excess of a thousand persons. The principle of law is, and I am willing to concede it for the purpose of this argument, that a principal can be charged with constructive notice of the acts of its agents; but until we know who is referred to we don't even know whether he is an agent.

Now, there are some one thousand or eleven hundred employees in the plant who have been in and out of there since the time referred to in the complaint, who are not agents of this Respondent.

Mr. Reynolds: If we do not show agency our case fails.

Mr. Ford: We don't even know how to prepare a defense on the question of agency until we know who they are and until the Board's case is in.

Trial Examiner McCarthy: The motion for a bill of particulars is denied.

You may proceed.

Mr. Ford: May I inquire as a procedural matter whether it is necessary to take an exception?

Trial Examiner McCarthy: It is not necessary, but you will be granted an exception any time you ask for it. It is not necessary to ask for it.

Mr. Ford: We will assume that we have exception to every adverse ruling.

Trial Examiner McCarthy: Yes, you may always bring that up and except to the intermediate report after you receive it.

Mr. Ford: Thank you.

EDWARD L. BERRY, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) Your name and address, please?

A. Edward L. Berry, 5807 Dorchester Avenue, Chicago, Illinois.

Q. Are you connected with the Link Belt Company?

A. I am.

Q. What is your position?

A. Assistant general manager.

Mr. Reynolds: Mark this Board's Exhibit 2.

(Thereupon the document above referred to was marked "Board's Exhibit No. 2", for identification.)

14 Q. (By Mr. Reynolds.) Mr. Berry, I show you this document, consisting of two pages, which has been marked Board's Exhibit 2 for identification, and ask you if you have ever seen that before?

(Handing document to the witness.)

A. I have.

Q. What is that?

A. A stipulation, according to this.

Q. What is contained in the stipulation in general?

A. It has to do with the incorporation and location of the company and what it manufactures.

Q. And you know that the facts which are set out are substantially correct?

A. Substantially so.

Mr. Reynolds: I will offer Board's Exhibit 2, a stipulation which was signed today by myself, as attorney for the Board, and Mr. E. L. Berry, as assistant general manager for the Link Belt Company.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "BOARD'S EXHIBIT NO. 2", for identification, was received in evidence.)

Q. (By Mr. Reynolds.) Mr. Berry, in that stipulation the operations of the Link Belt Company are not described at any very great length. Will you state for the Ex-15 aminer in brief what the operations are?

A. At our plant?

Q. Yes.

A. We manufacture material-handling equipment, and it consists generally of the engineering office, crane division and general sales. We operate an engineering department, an iron and steel foundry, steel fabricating department, general machine shop, crane assembly department, with the supplementary departments that go to make up the manufacturing, such as the maintenance department, the planning, receiving, stores and shipping departments, together with the necessary sales, accounting and cost departments.

Q. Now, what raw materials do you use in your work out there?

A. Pig iron, iron and steel scrap, shakes, bars, plates, lumber.

Q. Do you use other metals besides iron?

A. We use bronze, some lead; sand, coke, coal, wire.

Q. Now, from what sources do you receive most of this raw material?

A. We receive coal from the mines located in Illinois and Indiana; generally. We receive steel from Illinois and Indiana and Pittsburgh generally. Lumber from Chicago; bronze and lead from Chicago; sand from Illinois; coke from Illinois; wire from Illinois.

16 Q. The materials which you receive are all in a semi-finished state, are they not?

A. Generally speaking, yes, we have to process most of them.

Q. And what is the physical set up of the plant for that purpose out there? What different departments are there in the plant?

A. First we have the sales department which sells our products. We have the engineering department, which designs it. We have the planning department, which plans and schedules the work through the plant. We have pattern shops which make the patterns which the engineering department may design. We have a steel foundry and an iron foundry that makes the molds and pours the castings from those patterns. We have a machine shop which finishes in general most of the castings made in our foundry. We have a steel shop which fabricates the steel work. We

have a crane shop which assembles the individual units as mentioned. We have a maintenance and cost department to collect and gather costs on the products made; and the other necessary departments, such as payroll, and so forth.

Q. Now, are you familiar with the disposition of the finished products generally?

A. Am I familiar with the—

Q. Yes, the disposition, where the sales are made generally?

17 A. Not specifically, but generally.

Q. The majority of them are made outside of the State of Illinois, aren't they?

A. The majority of what?

Q. Of the—the majority of the finished products are sold and sent outside of the State of Illinois?

A. It would be rather difficult to tell you exactly because it all depends on business conditions, and where they buy, We cover the United States in general in our sales.

Q. You do national advertising?

A. We do.

Q. What journals?

A. Through most of the recognized trade papers and through direct mail.

Q. Do you have any registered trade mark?

A. We have a registered trade mark.

Q. What is that?

A. That is a double inverted arrow.

Q. The company has another plant in Chicago here, has it?

A. We have, yes.

Q. And what is carried on at that plant?

A. A general engineering office and the manufacture of coal stokers, together with some transmission equipment.

Q. (By Trial Examiner McCarthy.) For automobiles?

A. I beg pardon?

18 Q. For automobiles? You said "transmission".

A. For general plant transmission, pulleys, bearings, so forth.

Trial Examiner McCarthy: Oh, yes.

Q. (By Mr. Reynolds.) Do the other plants of the Link Belt Company located throughout the country carry on similar operations to those at the 39th Street plant?

A. Generally so, yes.

Mr. Reynolds: I believe that is all.

(Witness excused.)

Mr. Reynolds: I will call Mr. Cousland.

JAMES COUSLAND, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Trial Examiner McCarthy.) What is your name?

A. James Cousland.

Q. And your address?

A. 9040 South Throop Street.

Q. Chicago?

A. Yes, sir.

Q. (By Mr. Reynolds.) Are you employed by the Link Belt Company, Mr. Cousland?

A. Yes, sir.

19 Q. What is your occupation there?

A. Lathe operator.

Q. How long have you been working there?

A. Twenty-two years.

Q. Have you worked continuously during that time, Mr. Cousland?

A. Almost, yes.

Q. Are you a member of any labor organization out there at the plant now?

A. I belong to the Craftsmen's Union.

Mr. Ford: May I enter a request that the witness talk a little louder?

Trial Examiner McCarthy: Raise your voice.

Q. (By Mr. Reynolds.) Did you ever belong to any other union?

A. When I came to the Link Belt I belonged to the Federation of Labor Machinists Union.

Q. Did you ever become a member of the C. I. O.?

A. Yes.

Q. When did you join the C. I. O.?

A. Soon after the propaganda started.

Q. (By Trial Examiner McCarthy.) When was that?

A. I couldn't give you the date.

Q. Approximately.

A. Around this time last year, I think.

20 Q. (By Mr. Wham.) Last year?

A. This time last year.

Q. (By Mr. Reynolds.) Where did you join?

A. At 47th Street.

Q. (By Trial Examiner McCarthy.) 47th Street?

A. Yes, sir.

Q. (By Mr. Reynolds.) At the Union Hall, you mean?

A. Yes.

Q. And did you attend the meetings regularly?

A. No, I think I went to three or four meetings.

Q. Three or four meetings?

A. Yes.

Q. Now, did you make any report of these meetings to Mr. Berry?

A. No, sir.

Q. Before you joined the C. I. O. did you ever carry reports of labor activities to Mr. Berry?

A. No, sir.

Q. Were you ever in the employ of the National Metal Trades Association?

A. Yes, sir.

Q. When did you first start to work for the National Metal Trades Association?

A. About twenty years ago.

Q. Now, describe what the nature of your duties were at the time you started and at all times since that you have been working for them.

A. It was to take care of any piece work trouble.

Q. (By Trial Examiner McCarthy.) What do you mean, take care of piece work trouble?

A. Well, to see that the people who asked about things kept informed.

Q. (By Mr. Wham.) What was the nature of the information?

Q. (By Mr. Reynolds.) What was the nature of that information?

A. Also I had to look after the production, the tooling methods, and such like as that.

Q. (By Trial Examiner McCarthy.) Production, and what was the other?

A. The tooling methods.

Q. (By Mr. Reynolds.) Did your duties remain the same all the way along?

A. Yes, sir.

Q. With the National Metal Trades Association?

A. Yes, sir.

Q. Did you ever start to carry information about labor activities to the National Metal Trades Association?

A. I had nothing to do with that.

Q. What is that?

A. I had nothing to do with that.

114 *Witness for National Labor Relations Board.*

22 Q. You had nothing to do with that?

A. No, sir.

Q. (By Trial Examiner McCarthy.) What was this other item, piece work trouble?

A. Piece work trouble.

Q. What do you mean by that?

A. If any trouble arose between the rate-setting department and the men in the shop.

Q. (By Mr. Reynolds.) Did you know that the LaFollette Committee investigated your case along with others in its investigation of industrial espionage?

A. I heard something about it.

Q. You heard something about it?

A. Yes, sir.

Q. How did the notice of that come to you?

A. Well, I was told by—down at the Metal Trades Office.

Q. Who?

A. At the Metal Trades Office.

Q. What did they tell you?

A. They told me to stop correspondence.

Q. (By Trial Examiner McCarthy.) They told you what?

A. Stop correspondence.

Q. (By Mr. Reynolds.) You had been corresponding with the Metal Trades Office?

A. Yes, only on that subject I have spoken about.

23 Q. (By Trial Examiner McCarthy.) What subject was that?

A. The piece work trouble, and in proving the things throughout the shop.

Q. (By Mr. Reynolds.) You never wrote anything about labor?

A. I had nothing to do with labor.

Q. You never mentioned it in any way?

A. I have never mentioned it in any way.

Q. You didn't make any reports to Mr. Berry about labor conditions at the plant?

A. No, I did not.

Q. Never did?

A. No.

Mr. Ford: Mr. Examiner, I think if Mr. Reynolds has available all of the LaFollette Committee reports it would be the simplest thing to introduce them in evidence.

Trial Examiner McCarthy: You may proceed.

Mr. Ford: If he has anything to put in evidence.

Trial Examiner McCarthy: He may proceed.

Mr. Ford: I don't think it is right to get it by implication from a man who has been employed by the company for twenty years, to show that he has violated the Act unless he can show what is in those reports.

Trial Examiner McCarthy: That is a matter to be determined.

Mr. Ford: There is probably nothing in that about 24 this gentleman forwarding reports on labor activities to anyone.

Mr. Reynolds: I beg your pardon, there is.

Mr. Ford: You should offer them in evidence, then.

Mr. Reynolds: I would also like to have the record show that before I called Mr. Cousland to the stand counsel went over and talked to him before he introduced his testimony.

Trial Examiner McCarthy: Yes.

Mr. Ford: Just a minute—

Trial Examiner McCarthy: Let the record show that, the Examiner noticed that too.

Mr. Ford: I ask leave at this point to examine this witness to disclose exactly what I said to him.

Trial Examiner McCarthy: You may do that on cross-examination.

Mr. Ford: Just a minute, this is a collateral matter which he has introduced and which reflects both upon the witness and myself. I ask leave, without any questions from me, to have the witness state to the Trial Examiner what I said to him.

Trial Examiner McCarthy: At this point?

Mr. Ford: At this point, yes.

The Witness: He said my face was familiar to him.

Trial Examiner McCarthy: What?

25 The Witness: He said my face was familiar to him, where have I seen you before?

I told him I had worked at the Link Belt Company and I thought I had seen him there.

Q. (By Mr. Reynolds.) You haven't talked to him before today?

A. No, sir, I never had his acquaintance before.

Q. Did you talk to anybody before you came up here after receiving my subpoena?

A. No, I did not.

Q. You talked to no official of the company?

A. No, sir.

Mr. Ford: If it is of interest to Mr. Reynolds and to

the Trial Examiner, this gentleman bears a close resemblance to Mr. Thomas Hyland, United States Conciliator of Labor, located in this territory. I was not sure that he was not Mr. Hyland and that is why I went over to see if it was Mr. Hyland and requested him to tell me his name.

Apparently he is not Mr. Hyland. I never saw him before as far as I know, because I have never been out at the 39th Street Link Belt plant.

Mr. Reynolds: Will you mark these Board's Exhibits for identification?

(Thereupon the documents above referred to were marked "Board's Exhibits Nos. 3 and 4", for identification.)

26 Q. (By Mr. Reynolds.) Mr. Cousland, did you ever see a copy of this document, Board's Exhibit 4 for identification, before?

(Handing document to the witness.)

A. I have never seen that.

Q. You have never seen that?

A. No.

Q. Now, did you have a particular number that was given you by the National Metal Trades Association?

A. Yes, sir.

Q. Was that number 128?

A. Yes, sir.

Q. How long have you had that particular number to designate you by?

A. All along.

Q. How long?

A. All along.

Q. All along?

A. Yes.

Q. (By Trial Examiner McCarthy.) You mean for twenty years?

A. Yes.

Q. (By Mr. Reynolds.) Now, under the terms of your employment with the National Metal Trades Association how often did you make reports to them?

A. Well, when times were good and things—when
27 piece work troubles and such like, and new methods, would come up, I had to report sometimes once a week, sometimes once a month.

Q. New matters that would come up?

A. Yes.

Q. What kind of new matters?

A. New jobs, come along, new tooling methods, piece work.

Q. Do you know whether the National Metal Trades Association ever engaged in labor relations work?

A. I didn't have anything to do with that.

Q. You had nothing to do with that?

A. No, sir.

Q. That subject was never mentioned in any conversation you had with the officers of the National Metal Trades Association?

A. I never had any conversation with them.

Trial Examiner McCarthy: What was that answer?

(Answer read.)

Q. (By Mr. Reynolds.) You simply made written reports?

A. Yes, sir.

Q. How much compensation did you receive for this?

A. Compensation? I received no compensation.

Q. You received no compensation?

A. No compensation.

Q. You received expenses, isn't that right?

28 A. Yes, sir: I made out the time I lost away from my own work.

Q. What kind of expenses would you have on that job?

A. I usually only had about—you mean in a month?

Q. Yes, in a month or a week?

A. About eight or ten dollars a month.

Q. Eight or ten dollars a month?

A. Yes, sir.

Q. That is all you received in a month?

A. Yes, sir.

Q. Now, Mr. Cousland, I call your attention to page 1087 of Board's Exhibit No. 4 for identification, and to about the sixth line there, where your name appears. Do you see your name?

A. Yes, sir.

Q. What does that line read all the way across?

A. "128. James Cousland, Link Belt, Chicago, Illinois.

E. L. Berry, supt. 3/33—7/36."

Trial Examiner McCarthy: That is a part of a table. is it?

Mr. Reynolds: Yes.

Trial Examiner McCarthy: Identify the table.

Mr. Reynolds: Yes, the table is Exhibit 461 appearing on page 1087 of Board's Exhibit 4.

Trial Examiner McCarthy: What is the title of 29 the table?

Mr. Reynolds: "List of Special Contract Operatives Employed by National Metal Trades Association, March, 1933, to December, 1936."

Q. (By Mr. Reynolds.) Now, at the top of that column where Mr. Berry's name appears, what does that state?

A. "Reports Sent To".

Q. "Reports Sent To" E. L. Berry?

A. Yes.

Q. Now, does that mean that you sent reports to Mr. Berry?

A. No.

Q. It means the National Metal Trades Association sent the reports, or do you know?

A. I don't know how he got these reports.

Q. You never had any conversation with Mr. Berry about the subject matter of those reports?

A. No.

Q. No inquiries were ever made about the points which you reported on?

A. No, they seemed to be quite well satisfied.

Mr. Ford: Your Honor, to expedite matters, the Respondent will stipulate that since the latter part of 1916 or early in 1917 this witness has been in the employ of the Respondent company and has reported to the person in charge of the plant from time to time since that 30 time. I do not ask the Board to stipulate as to the subject of those reports, but shall ask for proof. When I say reported to Mr. Berry, I mean that the reports made by the witness eventually came to Mr. Berry or whoever at the time may have been in charge of the plant, and that such reports were made through the Metal Trades Association.

Q. (By Mr. Reynolds.) Mr. Cousland, are you familiar with all the services that were rendered by the National Metal Trades Association?

A. No, sir.

Q. To the Link Belt Company?

A. No, I am not.

Trial Examiner McCarthy: Keep your voice up.

The Witness: You mean services besides what I did?

Q. (By Mr. Reynolds.) Yes.

A. No.

Q. Do you know whether or not there were any other services?

A. I couldn't tell you that.

Q. If there were other operatives there you are not familiar with that?

A. No, I don't know that, that is something I couldn't find out.

Q. Did your fellow employees know that you were in the service of the National Metal Trades Association?

31 A. No, they did not.

Q. You never thought you should tell them?

A. I saw no reason to.

Q. What is that?

A. I saw no reason for talking about it.

Q. Why didn't you think it was something to be talked about?

A. Well, I just didn't think it was worth while to tell them that.

Q. You didn't think it was worth your while?

A. No.

Q. Was it something that you were ashamed of?

A. No, I wouldn't say that, because I have never done anything to be ashamed of.

Q. The National Metal Trades Association, did they advise you not to talk about your connection with them?

A. No, they never did, no.

Q. Did anyone else ever advise you to keep silent?

A. No, sir.

Q. Now, I call your attention to Board's Exhibit 3 for identification, being a report of the Committee on Education and Labor and Industrial Espionage, in which on page 85 of that pamphlet under a table labeled "Table of \$9,440,132.15 Expenditures on Industrial Espionage, Munitioning, and Strike Breaking 1933-37,"—

32 Mr. Wham: What page is that?

Mr. Reynolds: Page 79 and following.

Q. (By Mr. Reynolds.) On page 85 there appears an item referring to the "Link Belt Company, Chicago, Illinois, Espionage", and under a table showing four different years, 1933, 1934, 1935 and 1936—

A. Yes.

Q. Amounts are shown there.

A. Yes, sir.

Q. Now, what are those amounts under each year?

A. 1933 was \$1,102.94. 1934, \$1,183.29. 1935, \$1,372.94. 1936, \$1,778.84. Total, \$5,438.01.

Q. Now, if that sum of \$5,438.01 was spent by the Link Belt Company for espionage you have no knowledge of it?

A. No, sir.

Q. The only amount that you received from the National Metal Trades Association were the eight to ten dollars that you received a month?

A. At that time, in 1933 and 1934, that was an average of about \$5.00 a month.

Q. \$5.00 a month?

A. Yes.

Q. You sometimes made reports oftener than once a month?

A. It depends on circumstances.

Q. What were the circumstances that would make a 33 difference?

A. Well, on a job, you see, if we were having trouble with certain work, we would get—

Q. (By Trial Examiner McCarthy.) What kind of trouble?

A. Piece work trouble between the rate setters and the men. If the men were satisfied, the work was better.

Q. Can you give us an illustration of what you have in mind?

A. We had several years that we had a big gold mine digger, and the men were having a lot of trouble over the piece work. The rates were low, and I told them about it.

Q. When you say you told them about it, what do you mean?

A. I sent in a report about it and the things were adjusted and good money was made by all the men.

Q. (By Mr. Reynolds.) You never personally went to the headquarters of the National Metal Trades Association?

A. No.

Q. How were you paid.

A. When I sent in reports, that is all.

Q. Did you receive your compensation by check?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) You were paid by check, you say?

A. Yes, money order.

Q. Oh, money order?

34 A. Yes.

Q. (By Mr. Reynolds.) Now, you stated that you

were informed that you had been investigated by the La-Follette Committee. Where did you receive that information?

A. I was told to cease for the present, to stop making reports.

Q. You were told by whom?

A. By somebody in the Metal Trades.

Q. (By Trial Examiner McCarthy.) Who?

A. Mr. Abbott.

Q. Abbott?

A. Yes.

Q. (By Mr. Reynolds.) What did he tell you?

A. He told me not to send in any more reports, that is all.

Q. Did he give you any reason?

A. No reason whatever.

Q. You didn't make any further investigation of it?

A. No.

Q. Are you still in their employ?

A. No, I don't think so.

Q. When was the last report you sent out?

A. About eighteen months ago.

Q. Now, do you make any reports of any description now?

A. No, sir.

Q. You don't make any oral or written reports to any official of the plant?

A. No, sir.

Q. You resigned from the C. I. O., didn't you?

A. Yes, I went to Louis here and told him—

Q. Who is Louis?

A. Mr. Salmons.

Q. He is the president of the Union?

A. I told him I was quitting in order to join the Craftsmen.

Q. When was that you went to Mr. Salmons?

A. Well, it would be around the month of May.

Q. (By Trial Examiner McCarthy.) May, 1937?

A. Yes, last year.

Q. (By Mr. Reynolds.) What time was that with reference to your notice from Mr. Abbott not to send any more reports?

A. Quite a long time before that, quite a while before that.

Q. (By Trial Examiner McCarthy.) What is that?

A. Quite some time before that.

Q. That you resigned from the C. I. O.?

A. No; that I quit sending reports.

Q. (By Mr. Reynolds.) How did you first learn about the LaFollette Report?

A. I learned—I don't know, I just couldn't tell you.

Q. You couldn't tell?

A. No.

36 Q. How you learned that?

A. No.

Q. What did you learn about it?

A. I didn't learn anything about it.

Q. Well, you knew about it before you came in here today, didn't you?

A. Yes, I did.

Q. What did you know about it?

A. I knew that LaFollette—that there had been an investigation, but whatever it was, I don't know.

Q. Did you know that you were mentioned in it or involved in it?

A. No, I couldn't say.

Q. You didn't know that?

A. No.

Q. Now, isn't it a fact that you found out about it and immediately afterwards you resigned from the C. I. O. Union?

A. No. That I knew about the LaFollette investigation?

Q. Yes.

A. After that?

Q. At the time that you resigned from the C. I. O., hadn't you found out that the LaFollette investigation had disclosed that you were in the employ of the National Metal Trades Association?

A. The reason why I went to Mr. Salmons was because they were starting a shop organization out there.

37 Q. Therefore you wanted to leave the CIO?

A. Yes.

Q. Why did you want to leave the C. I. O.?

A. I wanted to be decent enough with Mr. Salmons to tell him I had turned over to the other one.

Q. Did you know at that time that Mr. Salmons had found out that you had been exposed by the LaFollette Committee?

A. The day I went to Mr. Salmons was the day he told me that he knew all about it.

Q. (By Trial Examiner McCarthy.) You mean Salmons said that?

A. Yes.

Q. (By Mr. Reynolds.) What did you tell him?

A. I don't know what I said, only it was all right.

Q. You didn't say anything, did you?

A. I said it was all right with me, or something like that.

Q. Why did you want to leave the C. I. O.?

A. Well, where I could see in the newspapers what the C. I. O. had turned out to be; at the same time we were having our own organization, and I thought it was more loyal, I thought there was more loyalty in our own organization than there was in the C. I. O.

Q. How did you feel about it when you joined the C. I. O.?

A. I was very much interested at first, I was quite sincere about it.

38 Q. You did not get any suggestion from the National Metal Trades Association that you join the C. I. O.?

A. No, I did not. I was there in my own initiative.

Q. (By Trial Examiner McCarthy.) Would it have helped you in your adjustment of disputes—

A. No.

Q. (Continuing.) —over piece work?

A. No, these things belonged to the men themselves which I was reporting. I had nothing to do with that.

Q. (By Mr. Reynolds.) Did any of your fellow employees say anything to you after you resigned from the C. I. O., about the matter?

A. What?

Q. About resigning?

A. No, quite a few of them were leaving at that time anyway. Quite a number left the C. I. O. at that time, who had already pledged themselves.

Q. Didn't you resign from the C. I. O. because you knew you had been exposed by the LaFollette Committee?

A. No, sir.

Q. You did know it though at that time, didn't you?

A. I know—I didn't know that there had been any expose. Well, what good would it do? It wouldn't do me any harm; I never done any harm, that I should be afraid of being exposed.

39 Q. Well, at the time you resigned you knew that the LaFollette Committee had put your name down in a report, didn't you?

A. Yes, I did.

Q. Now, how did you find that out?

124 *Witness for National Labor Relations Board.*

A. I found that out through someone in the shop, but I couldn't tell you who he was.

Q. Through somebody in the shop?

A. Yes, sir.

Q. Was it an employee or somebody in a supervisory capacity?

A. No, it was an employee.

Q. An employee?

A. I never paid any great amount of attention to it at the time.

Q. What did he tell you about it?

A. He said I had been reported in an investigation by LaFollette in Washington. He didn't say there had been any in Chicago, though; LaFollette had something to do with industrial relations in Washington, but not in Chicago.

Q. You did not make any further investigation of it?

A. No, I was not interested.

Q. How long was it after that that you resigned from the C. I. O.?

A. Well, I was in the C. I. O. about two or three months, I guess, two months, something like that.

40 Q. Two months after that?

A. Yes, from March until about May.

Q. You found out in March that you had been named by the LaFollette Committee?

A. No, I didn't.

Q. When was it? As well as you can remember?

A. It must have been later on.

Q. (By Trial Examiner McCarthy.) It would be in April or May?

A. Yes, it must have been around sometime in April.

Q. (By Mr. Reynolds.) Well, shortly before you resigned from the C. I. O.?

A. Yes.

Q. Did you go up to a regular meeting and resign?

A. No, I went to the shop and met Mr. Salmons in the shop and spoke to him.

Q. You met Mr. Salmons?

A. Yes.

Q. Have you been receiving any extra income since you stopped making those reports?

A. No, sir, I haven't lost no time from my own work, so I wouldn't have.

Q. (By Trial Examiner, McCarthy.) How much time did it take?

A. About an hour or two a week to adjust the piece
41 work. Now, they don't want any of these reports on
piece work, tooling and such like.

Trial Examiner McCarthy: We will have a recess.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed, gentlemen.

Q. (By Mr. Reynolds.) Now, Mr. Cousland, are you
sure that when you resigned from the C. I. O. the Independent Union of Craftsmen had already started at that
time?

A. Yes, they were.

Q. As a matter of fact, didn't you resign sometime in
March, and the Independent Union of Craftsmen did not
begin to organize until April 18th?

A. I was in the C. I. O. around March, I think.

Q. You left the C. I. O. in March?

A. No, I left the C. I. O. around in May.

Q. In May?

A. I am almost sure of it.

Q. After the Independent Union had already started?

A. Yes, I am sure it was May.

Q. Now, when you came up and resigned; tell us again
just exactly what you told Mr. Salmons.

A. I told him that I was going to quit the C. I. O.

Q. Didn't you tell him you had a surprise for him?
Isn't that the way you put it?

A. Yes, I was going to quit the C. I. O. Yes, wait;
42 wait a minute. I said I had a surprise for him, and
he said, "I know all about you", or some thing like
that. That was it.

Q. Then he said something to you and you did not re-
ply, is that right?

A. Yes, I made some reply.

Q. You don't remember what it is?

A. I says, "All right", or something like that.

Q. Now, Mr. Cousland, what is your—what is the na-
ture of your work for the Link Belt Company?

A. You mean what I do daily?

Q. Yes.

A. Lathe operator.

Q. Does that keep you confined at your job all the time?

A. Yes.

Q. Or do you have to make trips out around the plant?

A. Once in a while—not around the plant, around the
machine shop.

Q. Did you ever go into the offices of the company?

A. I have nothing to do with the offices.

Q. Isn't it a fact that at one time you made very frequent visits, maybe two or three a day, in the office of Stanley Staske, the employment agent?

A. Two or three times a day?

Q. Yes. Well, did you go there at any time?

43 A. Yes, once in a while I would talk to Staske. He made out my personal property report, and affidavits, and different things.

Q. Affidavits?

A. Yes, personal property schedules, and when I got books out. They have a library there and he took care of the books.

Q. How often would you say that you went in to see Stanley Staske?

A. Staske, I don't remember when I was even in to see Staske.

Q. Isn't it a fact that you went in there almost every day, sometimes two or three times or more a day?

A. I doubt it.

Q. You doubt it?

A. Yes.

Q. You would not say it was not true, though?

A. Well, I would say it was not true.

Q. What is your best estimate as to how often you went in to see Staske each day?

Mr. Ford: May I ask when the time is that he is inquiring about?

Q. (By Mr. Reynolds.) Yes, when was the first time you went in to see Staske?

A. He used to take care of the hospital.

44 Q. (By Trial Examiner McCarthy.) When did you first go in to see him, that is the question?

A. You mean when I started in the Link Belt Company?

Q. (By Mr. Reynolds.) Yes.

A. I didn't even speak to Staske for ten years after I went to the Link Belt.

Q. About ten years thereafter how often did you go in to talk to him?

A. I don't think I ever went in to talk to him.

Q. Now, since 1933 have you been in to talk to him?

A. No.

Q. Never?

A. No.

Q. Since 1933?

A. No, sir, he had nothing to do with my work.

Q. Did Staske ever come out to your machine?

A. Yes.

Q. What would you say to each other?

A. Well, we were quite friendly with each other.

Q. But you never went into his office?

A. No, I never have, I may have went to the hospital.

Mr. Reynolds: I will offer in evidence Board's Exhibit No. 3 for identification, being a report of a Committee on Education and Labor of the Senate on violation of free speech and the rights of assembly; and Board's Exhibit 4 for identification, being hearings before the Sub Committee of the Committee on Education and Labor of the Senate; Part III, the part referring to the Tennessee Coal, Iron & Railroad Company and the National Metal Trades Association; and will ask leave to substitute the excerpts from these two reports which bear directly upon this matter, and which I have copied from Board's Exhibits 3 and 4 for identification.

Trial Examiner McCarthy: Is there any objection?

Mr. Ford: There is no objection, Mr. Examiner, except the Respondent would like leave to refer to the entire exhibits, or rather, to the entire published reports which Mr. Reynolds has used in his examination, if it should be necessary to do so.

Trial Examiner McCarthy: You will have that privilege.

The exhibits will be admitted.

(The documents heretofore marked "BOARD'S EXHIBITS NOS. 3 AND 4", for identification, were received in evidence.)

Mr. Reynolds: I believe that is all the questions I have with this witness.

Cross-Examination.

Q. (By Mr. Ford.) Mr. Cousland, do you remember the date of your first employment with the Link Belt Company?

A. It was the end of January, 1916.

46 Q. And at that time were you in the employ of or were you reporting to the National Metal Trades Association?

A. At that time?

Q. Yes.

128 *Witness for National Labor Relations Board.*

A. Well, it was soon after I started there.

Q. Soon after that?

A. Yes.

Q. Would you say that was in 1916?

A. Yes.

Q. And will you please tell us exactly what your instructions or duties were with respect to making reports to the National Metal Trades Association at that time?

A. At that time we were having trouble on piece work—

Q. (By Trial Examiner McCarthy.) That is, 1916?

A. Yes.

Q. That was just before the War?

A. The war was going on.

Q. That is right, in 1914 the War started, and we got in in 1917.

A. Yes, sir.

Q. Do you know if the Link Belt Company was making any munitions for the Allies?

A. We were not making munitions, no.

Q. Were you making parts?

A. Yes.

47 Q. They had some war contracts, did they?

A. Yes, I believe they did.

Q. Was that part of your work?

A. I don't know whether it would be a war contract or not, war parts.

Q. (By Mr. Ford.) Were you engaged to make reports—

Let's start over again. Tell us just what your duties were, what you were supposed to do so far as the Metal Trades Association was concerned.

A. We were having trouble on piece work at that time.

Q. When you say you were having trouble on piece work at that time, just what do you mean?

A. The men were very much dissatisfied with what the rates were, that they were getting for the work.

Q. For the piecework that they were doing?

A. Yes.

Q. When you say that your duties related to trouble with piece work, do you mean that you had anything to do with the time studies on the job?

A. The time studies?

Q. The time studies, yes.

A. No, I had nothing to do with the actual checking of the time studies, but very often after the time study was

taken, if a man was dissatisfied with the rates he got for the work, I would report that.

48 Q. When you discovered such dissatisfaction you made a report of it?

A. Yes.

Q. And as a result of your reports, do you know whether any adjustments were made from time to time?

A. Yes, some very satisfactory adjustments were made.

Q. Now, at the time of your first employment there back in 1916 or '17, did you ever make any reports concerning labor activities?

A. I had nothing to do with the labor report.

Q. Did you ever make any such reports?

A. No.

Q. Even though it was not a part of your duty?

A. No.

Q. Now, continuing after 1916 and '17 up to the present time, have your duties remained the same?

A. Practically the same.

Q. With relation to the National Metal Trades Association?

A. Practically the same.

Trial Examiner McCarthy: You say up to the present time?

Mr. Ford: Up to the present time.

Q. (By Trial Examiner McCarthy.) Are you still making reports?

Q. (By Mr. Ford.) Or up to the time that you
49 stopped making reports.

A. Up to about eighteen months ago.

Q. (By Trial Examiner McCarthy.) Is it eighteen months or was it last March and April?

A. No, it is further back than that.

Q. You say it was shortly before you resigned from the C. I. O., maybe a month, you said you received notice from the Metal Trades Association?

A. No, I think it is longer than that.

Q. You had better be specific, you say one thing, and then you say another.

Mr. Ford: I think the testimony is that he resigned from the C. I. O. shortly after he learned of the LaFollette investigation.

Q. (By Trial Examiner McCarthy.) Is that right?

Q. (By Mr. Ford.) Isn't that correct?

A. Yes.

Q. And it was a considerable length of time before that, was it, when you stopped making reports?

A. Yes, sir.

Trial Examiner McCarthy: That is contrary to what he said. He said he resigned in May.

Mr. Ford: From the C. I. O.

Trial Examiner McCarthy: That is right, and it was shortly before that that he heard about this LaFollette
50 Committee.

Mr. Ford: But it was some time before that, Mr. Examiner, that he stopped making reports.

The Witness: Yes.

Q. (By Mr. Ford.) Upon the direction of the Metal Trades Association?

A. Yes.

Q. In other words, you were advised by Mr. Abbott to make no further reports?

A. Yes.

Q. And sometime later you heard about the LaFollette investigation?

A. Yes, sir.

Q. And then some time after that you resigned from the C. I. O.?

A. Yes, sir.

Trial Examiner McCarthy: That is not the way he testified on direct. As I understand it, he said when he first heard about the Senate Committee Mr. Abbott told him to stop corresponding. He was asked how long ago that was, and he said eighteen months. Then later he testified, according to my notes, that in May of 1937 he advised Salmons that he was resigning from the C. I. O., and Salmons said that he knew all about Cousland. The witness testified
51 at the time he talked to Salmons that that was shortly after he had heard about the LaFollette Committee.

Mr. Ford: I don't recall the testimony quite that way, but whatever it is, it is in the record.

Trial Examiner McCarthy: Yes.

Mr. Wham: There are apparently three different dates.

Mr. Ford: There are three different dates, whatever they might have been.

Q. (By Mr. Ford.) Now, up to the time that you quit making reports, were your duties or instructions from the Metal Trades Association any different than what they were at the time you first started to work for them?

A. No, they were just the same, they just seemed to sail along just as they were.

Q. Did your duties so far as the Metal Trades Association is concerned include reports on safety matters?

A. Yes.

Q. What else did you report on besides safety and rates and piece work jobs?

A. There was not much. Sometimes for months at a time I never reported anything.

Q. (By Trial Examiner McCarthy.) Did you report on sanitation?

A. That took in everything, yes.

Q. Safety and sanitation?

A. Yes, everything that would be for the good of
52 the place.

Q. (By Mr. Ford.) Is it true that your duties and your instructions were to report on matters about which the employees were dissatisfied or had some complaint to make?

A. Well, no, because if we talked loud enough they usually got it done themselves.

Q. Well, what was the purpose, if you know, of making the reports which you did make to the Metal Trades Association?

A. For improving working conditions. They improved working conditions considerable.

Q. Did you ever receive any extra compensation from the Link Belt Company because of the reports you made?

A. No, sir.

Q. Did you at all times receive your regular rate for the job which you held?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Do you understand that question?

A. Well, at times—

Mr. Ford: I believe he answered that by nodding his head.

Trial Examiner McCarthy: Let the reporter know what you mean, if you mean yes.

A. Yes, sir.

Q. (By Mr. Ford.) Have you at any time made
53 direct reports to Mr. Berry concerning the question of rates, safety, sanitation or other matters?

A. No, I never had anything to do with him.

Q. Did you ever make any such reports to Mr. Stanley Staske?

A. No, sir.

Q. Did you ever discuss the matter with Mr. Stanley Staske?

A. No, I don't think there was anything between us that we should talk about.

Q. Did you at any time when you were a member of the Amalgamated Association of Iron, Steel and Tin Workers, which is associated or affiliated with the C. I. O., ever make any reports as to any activities of that organization?

A. No, sir.

Q. Did you ever at any time during your entire employment at the Link Belt Company make any reports to anybody as to membership of employees in any labor organization?

A. No, sir.

Q. Did you at any time you were a member of the American Federation of Labor make any reports to either the Metal Trades Association or to the Link Belt Company as to the activities of the American Federation of Labor?

A. No, sir.

Q. Did you make any such reports as to who were members and who were not members of the A. F. of L.?

A. No reports whatever on that matter.

54 Q. Have you ever made any such reports relating to the Independent Union of Craftsmen?

A. No, sir.

Q. Have you ever been asked to make any such reports?

A. No, sir.

Q. Is Stanley Staske the personnel manager or the personnel employment manager of the company?

A. Yes, he is.

Q. Does he have charge or has he had charge of the first aid room when there is no nurse there?

A. When there is no nurse there, yes.

Q. And is he on duty at or near the first aid room?

A. They are both in the same hall.

Q. In the same hall?

A. Yes.

Q. Did you examine the document which Mr. Reynolds handed you and asked you to read from in Board's Exhibits 3 and 4?

A. Yes, sir.

Q. Did you see in those documents any reference as to the substance of reports which you made to the National Metal Trades Association?

A. No, all there was was the months and money.

Mr. Ford: May we go off the record a moment?

Trial Examiner McCarthy: Yes, off the record.

(Discussion off the record.)

55 Trial Examiner McCarthy: On the record.

Q. (By Mr. Ford.) Calling your attention to the footnote numbered "1", which appears on the bottom of Board's Exhibit 3, which was substituted for the original pamphlet, which is an excerpt from page 79 of that table, I ask you to read that footnote 1, aloud.

A. "The expression 'espionage' is herein used to represent expenditures for detective agency or similar service when so designated by the companies."

Q. Is that the end of the sentence?

A. Do you want me to read the whole paragraph?

Q. No, just the sentence.

A. All right.

Q. You were asked, Mr. Cousland, why it was that you did not announce to your fellow workmen that you were employed or that you were making such reports. Can you tell us any reason why it was from your point of view not advisable to make that fact known?

A. I didn't see any reason why I should tell everybody my private business.

Q. Had the fact been generally known among your fellow employees would you have been able to obtain the information which you reported as readily as though your duties were not generally known?

Trial Examiner McCarthy: Read that question.

56 (Question read.)

A. Well, since the expose talked about, the men have talked to me just the same, about two-thirds of them, so in either case I don't think it would have made much difference.

Q. (By Mr. Ford.) In other words, there was no reason other than the fact that you didn't think it was any of their business?

A. No.

Q. Is that correct?

A. Yes.

Q. I am going to ask you once more; was there any time you have reported to Mr. Berry or to the National Metal Trades Association the activities of either the American Federation of Labor, the C. I. O. or the Independent Union of Craftsmen?

A. No, sir.

Q. I am also going to ask you whether at any time you have reported either to Mr. Berry or to the National Metal Trades Association on the membership of any of those three labor organizations?

A. No.

Q. Now, Mr. Cousland, when I say "Mr. Berry" I mean Mr. Berry or anyone from the Link Belt Company.

A. No, sir.

Q. I will ask you if your answers are the same as to
57 anyone else who was connected with the Link Belt Company?

A. No, sir, I never have.

Q. Your answer is the same as it was to the question relating to Mr. Berry?

A. Yes, sir.

Q. Have you ever reported as to any other activities of any of the employees excepting insofar as it related to their rates of pay or working conditions?

A. You mean their domestic life or anything like that?

Q. That is right.

A. No, I had nothing to do with that.

Q. Or their personal habits?

A. No, sir.

Q. Or their activities outside of the plant?

A. No, sir.

Q. Or as to their affiliations with any clubs or social groups?

A. No, sir, or any of their private affairs.

Q. How long have you been a lathe operator?

A. Sir?

Q. How long have you been a lathe operator?

A. For about thirty years.

Mr. Ford: That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) Did you ever receive any
58 bonus of any kind from the National Metal Trades Association for your work?

A. No, sir.

Q. What is the largest amount of money that you made at any time?

A. You mean per month or per year?

Q. Per month or per year? We will say per year.

- A. Per year?
- Q. Yes.
- A. I don't believe it ever amounted to more than \$100.00.
- Q. \$100.00 per year?
- A. Per year, yes.
- Q. Now, you say you don't know of any other service that the National Metal Trades Association may have rendered to the Link Belt Company?
- A. No, sir.
- Q. Have you talked frequently with supervisory employees of the company?
- A. Outside of the foremen, no, not very frequently.
- Q. You are acquainted with Mr. Berry?
- A. Yes, but Mr. Berry was a night foreman there when I started there at first.
- Q. But since he has become assistant manager, you don't have much contact with him?
- A. No.
- 59 Mr. Reynolds: That is all.
- Mr. Wham: May I ask him some questions, Mr. Examiner?
- Trial Examiner McCarthy: Yes.

Cross-Examination.

- Q. (By Mr. Wham.) Do you belong to the Independent Union?
- A. Yes, sir.
- Q. You say you joined about May?
- A. No, I didn't join about May, I joined later than that.
- Q. Later than May?
- A. Yes, sir.
- Q. 1937?
- A. Yes.
- Q. About when did you join?
- A. It must have been fully a month after that, two months, or six weeks.
- Q. Are you still a member of that Union?
- A. Yes, sir.
- Q. You want them to represent you for collective bargaining?
- A. Sir?

Q. You want it to represent you in collective bargaining?

A. Yes.

Mr. Wham: That is all.

Direct Examination.

Q. (By Mr. Reynolds.) Did anybody raise any objection to your membership in the Independent Union of Craftsmen?

A. I couldn't tell you.

Q. How did you join?

A. I joined in the shop.

Q. In the shop?

A. Yes, by request of Mr. Frohling.

Q. Frohling?

A. Yes, sir.

Q. Is Mr. Frohling an officer of the Independent Union of Craftsmen?

A. I think he was active in getting it together at the time.

Q. He had been a representative under the predecessor union, the old representation plan, had he not?

A. Yes.

Q. Did he ask you to join during working hours?

A. No, he came at noontime and asked me.

Q. At noontime?

A. Yes.

Q. Did you see him solicit others at the same time?

A. Well, he solicited the man who was with me at the time.

Q. He did?

A. Yes.

Q. Had you seen him before that soliciting memberships?

A. No, I couldn't say that.

Q. Have you attended the meetings?

A. I haven't attended any meetings yet.

Q. You haven't attended any meetings?

A. No.

Mr. Reynolds: That is all.

Mr. Ford: May I ask a couple more questions?

Trial Examiner McCarthy: Yes.

Recross Examination.

Q. (By Mr. Ford.) In order that we can get these dates straight, Mr. Cousland, and apparently there has been some confusion, will you tell us again when it was that Mr. Abbott instructed you to make no further reports to the National Metal Trades Association?

A. I am sure it must have been fully eighteen months ago.

Q. Now, can you tell us about what months it was or the year?

A. It must have been 1936, I am sure.

Q. Do you remember what time of the year it was in 1936?

A. It must have been very late, around November, I think.

Q. Along in November of 1936?

A. Yes, sir.

Q. And if you testified earlier on direct examination that Abbott gave you those instructions sometime shortly before or about the time that you heard of the LaFollette investigation, that was not correct, was it? Or I will
62 put it this way:

If you did say on direct examination that Mr. Abbott gave you those instructions at about the time you heard of the LaFollette Committee investigation, which was shortly before the time you resigned from the C. I. O., that was not correct?

A. Do you mean I got instructions shortly before I resigned from the C. I. O.?

Q. That is right.

A. No, it must have been some time previous to that.

Q. It was approximately eighteen months ago, and the best you can remember is it was in the month of November, 1936, that Mr. Abbott instructed you to make no further reports?

A. Yes, it must have been all of that.

Q. Can you tell us again when it was that you resigned from the C. I. O.?

A. It must have been around the month of May.

Q. Of 1937?

A. Yes, sir.

Q. Can you tell us again when you joined the C. I. O.?

A. It must have been around New Year's.

Q. (By Trial Examiner McCarthy.) What year?

A. 1936.

Q. (By Mr. Ford.) Or 1937?

A. 1936 or 1937.

63 Q. (By Mr. Ford.) How long were you in the C. I. O. before you resigned?

A. I must have been in the C. I. O. about two or three months.

Q. So if you resigned in May of 1937 you joined the preceding January or thereabouts?

A. Yes.

Q. When was it that you learned about the LaFollette investigation?

A. It must have been before that.

Q. How did you learn of that?

A. I couldn't exactly tell you that.

Q. Well, it was in the newspaper, was it not?

A. Yes, it was.

Q. Did you ever see anything about it in a newspaper?

A. Yes, it was in the papers, and the men were talking about it.

Q. Now, did you know of the LaFollette Investigation generally before you knew that your name was being mentioned in that report?

A. Yes.

Q. And you learned about the fact that you were involved in that investigation sometime after you knew the investigation was going on?

A. I didn't know that until I talked to Mr. Salmons
64 and he said something of that kind.

Q. (By Trial Examiner McCarthy.) That was in May?

Q. (By Mr. Ford.) So that you did know that your name was mentioned in the LaFollette investigation?

A. Yes, the only thing I could do was to think that over and see what he meant.

Q. And then you didn't join the Independent Union of Craftsmen until when?

A. It must have been about six weeks after that.

Q. About six weeks after you resigned from the C. I. O.?

A. Yes.

Q. Which would bring you up to sometime in June, 1937?

A. Yes, sir.

Mr. Ford: I have no further questions.

Mr. Reynolds: Nothing further.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Mr. Cousland, what was there in your reports that would cause Mr. Abbott to tell you to stop sending them in?

A. Well, I thought I got fired off the job.

Q. You thought you would get fired off the job?

A. No, I thought I had been told to stop because I was fired.

Q. That is not an answer. I mean, that is not responsive. What was there in those reports that caused Mr. 65 Abbott to ask you to stop sending them in to him?

A. I had not been sending in very many reports at that time. Nothing were in the reports.

Q. What was in them?

A. Just told him I had nothing to report.

Q. It was more than that, wasn't it?

A. No.

Q. You mean everything you sent in to Mr. Abbott was that you had nothing to report?

A. I wouldn't say that, that there was nothing to report, in every one.

Q. What was in them?

A. Once in a while I would send in my monthly statement.

Q. You sent in a statement at the end of each month?

A. I had to say something.

Q. You did send in a statement at the end of each month?

A. Yes, sir.

Q. What did you say in those reports?

A. Most of the time there was nothing to report.

Q. When you had something to report, what did you say?

A. That depended on what I had to report, piece work or something along that line, or some new method.

Q. Take an illustration, give us an illustration on how you would report on some new method.

A. A new tooling system. You know, the past year 66 there has been so many new tools coming out.

Q. Where was this lathe located that you operated?

A. Well, I can't just give you a description.

Q. I mean, in what department?

A. I am in Department D.W.H.

Q. D.W.H. is what department?

A. That is the boring mill.

Q. What is that?

A. Boring mill department.

Q. Can you give us an illustration of how new methods in the boring mill department were affected by your reports? What I am trying to find out is what you said in your reports that you learned in the boring mill department which would relate to new methods. Do you follow me?

A. Yes.

Q. Can you tell us?

A. Yes, we would recommend that some of the jobs be sent to a different kind of a mill, or sent to the lathe department.

Q. You were in the lathe department?

A. Yes.

Q. If you were in the lathe department how would you know before that the work had better be sent to your department?

A. Oh, I could see what was going on.

67 Mr. Ford: Perhaps it would help if the witness will take any report he ever made and tell us just what he said in that report. Just take any typical report and tell us exactly what you wrote down as near as you can remember in that report.

Mr. Reynolds: May I interrupt? It would be even better if he can produce any of those reports for the record.

Trial Examiner McCarthy: Have you any of those reports?

The Witness: No, I could make out a copy in a day or so if you wish that.

Q. (By Trial Examiner McCarthy.) But you haven't any copies available for an illustration?

A. No.

Q. Tell us just what you said, a typical illustration.

A. Well, a job is coming along—

Q. Where would the job come from?

A. From the foundry, probably.

Q. How would you know it was coming from the foundry?

A. I could see the work lying around the shop.

Q. You could see it in the foundry?

A. No, in the machine shop.

Q. All right, go ahead.

A. Sometimes these pieces of work were too heavy for

the machines where they were, but they could be sent to a heavier machine or sent to a different department.

68 Q. (By Mr. Ford.) Mr. Cousland, just take one particular report you would make and give us an illustration, just one.

Trial Examiner McCarthy: Just a minute, let me clear that up.

Mr. Ford: I am sorry.

The Witness: I am not so good about picking out anything.

Q. (By Trial Examiner McCarthy.) You have been in the business for twenty years?

A. Yes, sir.

Q. So this is kind of second nature to you, isn't it?

A. We have to give things some thought.

Q. You take an illustration. You say the work comes from the foundry. Then what happens?

A. Very often it is sent to an unsuitable machine.

Q. In another department?

A. No, in that department.

Q. In the foundry department?

A. No, in the lathe—the boring mill department.

Q. In the lathe department or the boring mill department. And then when it gets in your department, then what?

A. Very often I could recommend it to another place where it could be produced cheaper.

Q. Be produced cheaper?

A. Yes, sir.

69 Q. You would tell Mr. Abbott that, is that right?

A. Yes, sir, that is what I would put in my letter.

Q. Then you only reported on the lathe department, that's correct?

A. I reported on the machine work, that is, the work done by the machines.

Q. How many departments have machines in them?

A. Three departments.

Q. How would you know what was going on in the other two departments?

A. I could take a walk around, I was allowed to do that.

Q. You were allowed to take a walk around?

A. There is nothing conspicuous in anyone taking a walk around that section.

Q. Now, if what you say is correct, Mr. Cousland, what was there in your report that you would make to Mr. Abbott which would warrant him in telling you to stop it as

142 *Witness for National Labor Relations Board.*

soon as you heard of the LaFollette Committee investigation?

A. I don't know on that part, I think they—I thought they just got tired of me and told me to quit.

Trial Examiner McCarthy: Is that all?

Q. (By Mr. Reynolds.) Who allowed you to walk around the plant and look at the other departments?

A. I always had that privilege, that is one of the things I had to do.

70 Q. Did the management know what purpose you had in doing that?

A. Yes, sir.

Q. They knew that you were working for the National Metal Trades Association, didn't they?

A. Yes, evidently.

Q. But you never discussed it with the management at any time?

A. No.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

The Witness: Thank you.

(Witness excused.)

Mr. Reynolds: Mr. Salmons.

LOUIS SALMONS, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Trial Examiner McCarthy.) What is your name?

A. Louis Salmons.

Q. (By Mr. Reynolds.) What is your address?

A. 6433 Yale Avenue.

Q. (By Trial Examiner McCarthy.) Chicago, Illinois?

A. Chicago.

71 Q. (By Mr. Reynolds.) What is your occupation, Mr. Salmons?

A. Electrician.

Q. Where are you employed?

A. Link Belt Company, 39th Street.

Q. How long have you worked for the Link Belt Company?

A. Fourteen years.

Q. Mr. Salmons, you heard the testimony of the preceding witness, Mr. Cousland, did you not?

A. I have.

Q. Do you recall the occasion when Mr. Cousland came up to you, if he did, and asked you about resigning?

A. I do.

Q. Now, will you state what happened at that time, what was said between you and Mr. Cousland.

A. Well, when I got a report from our organizing committee that he was—

Trial Examiner McCarthy: Just a minute. Have you identified him as the president?

Mr. Reynolds: No.

Trial Examiner McCarthy: He says from his organizing committee, what committee is that?

The Witness: S. W. O. C., Steel Workers Organizing Committee.

Q. (By Mr. Reynolds.) Are you an officer in your Local Lodge out there?

72 A. President.

Q. You are president of Number 1604?

A. Yes, 1604.

Q. Of the Amalgamated Association of Iron, Steel and Tin Workers?

A. Yes, sir.

Q. You were saying you had some advance information about Mr. Cousland before he came up to you?

A. I had a report on him sometime in March, 1937.

Q. Who did you receive the report from?

A. From Mike Martin.

Q. Who is he?

A. He is an S. W. O. C. organizer.

Q. What sort of a report did Mr. Martin give you?

A. He gave me a report that this fellow was paid by the detective association.

Q. (By Trial Examiner McCarthy.) What fellow?

A. This Cousland.

Q. Cousland?

A. Yes. That he was paid by the detective association and that he had drawn \$200.00 from January up to the date of that investigation.

Q. (By Mr. Reynolds.) Did you inquire or make any investigation after you received that information?

73 A. Well, I checked up to see who this fellow was. I didn't know just at that time, I didn't know him by name, and I checked up to find out that I had the right

party, and in a day or so he came up to me and says, "I have got a surprise for you, I am going to withdraw from your Union."

I says, "I would if I were you, I know all about you, how much you are getting paid".

Mr. Ford: Will you speak a little louder, I can't hear you.

Trial Examiner McCarthy: Keep your voice up, please.

The Witness: I say, he came up to me in two or three days after I got this report.

Q. (By Mr. Reynolds.) What month was this?

A. That was in March.

Q. 1937?

A. 1937. He says, "I have got a surprise for you, I am going to withdraw from your Union."

I says, "I would, if I were you, I know all about it, I know how much you are getting paid."

He turned around and walked away without any reply.

Q. Did you notice anything peculiar in his actions at that time?

A. Yes, he was very much surprised that I knew about him.

Mr. Ford: I move that be stricken as not responsive.

Q. (By Mr. Reynolds.) Describe his appearance.

A. Well, when I told him that I knew all about it, 74 he just turned around and beat it back to the elevator and gone, and no answer whatever did he give me.

Q. And at that time had you disclosed the information that you had received to any of the other members?

A. There were two parties of our own Local Union I had to assist me in checking up to find the right party, and the following meeting it was reported in the meeting. That was just a few days after. I don't just remember what date that meeting was.

Q. And the matter was reported in a full meeting of the Lodge?

A. In a full meeting, it was a mass meeting.

Q. (By Trial Examiner McCarthy.) What matter is that that you are referring to?

A. The report on checking up on his name to see if we had the right party. It was not rumored around the plant at all. There was nobody knew anything about it only the three of us that I had to find out that we had the right man before we announced him.

Q. (By Mr. Reynolds.) Before you?

A. Because we didn't want to announce the wrong man.

Trial Examiner McCarthy: Keep your voice up.

A. We didn't want to be mistaken and get some other fellow and not have the right man, so we made an investigation, the three of us, to be sure that we had the right 75 man before we put out the information.

Q. (By Mr. Reynolds.) How did you make the investigation?

A. By checking around to find out who this man was. We had his name from the organizing committee. I didn't know him by name. I knew him when I see him. A lot of other fellows did. It happened that was the man. We had the proof in this investigation. They didn't really know him, so we had to find out through other parties. This is what we were trying to find out, that this was the man we were looking for before it was published.

Q. Had you seen Mr. Cousland attending your meetings prior to that time?

A. He attended the first three meetings we had.

Q. The first three meetings of the Union?

A. Yes.

Q. (By Trial Examiner McCarthy.) When was that?

A. I can't recall just the date but they were shortly after January.

Q. 1937?

A. 1937.

Q. (By Mr. Reynolds.) Did all three meetings occur in the month of January?

A. No, no, there was probably two meetings in January and maybe probably one in February.

Q. Did you know that he had signed an application 76 for membership, that Mr. Cousland had signed an application for membership?

A. Yes, I knew that.

Q. You knew that he was in good standing in your organization?

A. He was at the time.

Trial Examiner McCarthy: Keep your voice up.

Q. (By Mr. Reynolds.) Do you remember if he participated in any meeting?

A. No, not a great deal. He was elected as a committeeman at one time, I learned.

Q. (By Trial Examiner McCarthy.) What is that, what committeeman?

A. A committeeman was elected for the purpose of organizing, building up the union.

Q. (By Mr. Reynolds.) Did he serve on that committee in any way?

A. He did not.

Q. Now, why didn't he?

A. He never attended any more meetings after he was elected as committeeman.

Q. It was shortly after that that you told him what you have just testified to?

A. Yes.

Mr. Ford: Would you permit the witness to testify, 77 please? Instead of leading him to that extent.

Q. (By Mr. Reynolds.) Are you pretty well familiar with the labor relations history of the Link Belt Company since you came there fourteen years ago?

A. Well, yes.

Q. When you first came there fourteen years ago, was there any labor organization in the plant?

A. No.

Q. How long before there was any such?

A. Well, there was no organization there until about in September when we started our organization in 1936.

Q. Wasn't there an organization known as a representation plan?

A. Yes, they called it the Employees Board. Some did, some called it a company union.

Q. When was it organized?

A. Shortly before or right after the N. R. A. came out.

Q. In 1933?

A. Along in there, I don't just remember the time.

Q. How was that Employees Board organized?

A. Well, we went to work on Monday morning and we found a notice on the bulletin board saying that they were going to organize—I wouldn't say whether it was called a company union or the Employees Board—and there would be representatives elected from different divisions. I 78 think it was divided into seven divisions; and the following Tuesday they would have a primary election and the three highest men, the three men that had the highest count in each division would be voted on in a primary on the following Thursday.

Q. Was that primary held?

A. It was.

Q. And did you participate in it?

A. I was elected as representative from Division 7.

Trial Examiner McCarthy: Keep your voice up, please.

A. I was elected as a representative from Division 7.

Q. (By Mr. Reynolds.) Who signed the notice that appeared on the bulletin board about the election?

A. I couldn't really say now for sure, but I think it was Mr. Kauffmann or Mr. Berry.

Mr. Ford: Mr. Examiner, in the interest of saving time and saving in the record, the Respondent is ready to stipulate that the employees representation plan was put into effect, started in the conventional manner, and it was, as the saying goes, thrown overboard approximately at the same time when everybody else threw theirs out of the window when they found it was no good under the Wagner Act. I believe it was disbanded and dissolved in the fore-ort or the middle of May, 1937.

Mr. Reynolds: I am very willing—

Mr. Ford: We will stipulate any facts that you wish,
79 Mr. Reynolds, on that. I am sure there is no controversy about the facts.

Mr. Reynolds: No, I think that is correct.

However, for the purpose of showing the background of the present organization I think that I should go in somewhat more detail than has been gone into.

Examiner McCarthy: Yes, give us a complete history of the labor relations.

Q. (By Mr. Reynolds.) Now, following the time that you were elected to this organization, did you take an active part in its affairs?

A. I did.

Q. Now, will you describe how the organization functioned, with reference to meetings and the subjects considered?

A. Well, there were seven members elected, and they elected a committee. I don't just remember who was on the committee to draw up the by-laws, but they drew up the by-laws.

Mr. Reynolds: Mark that as Board's Exhibit.

(Thereupon the document above referred to was marked "Board's Exhibit No. 5", for identification.)

Q. (By Mr. Reynolds.) Now, were these by-laws later drawn up and adopted by the organization?

A. They were.

80 Q. I show you Board's Exhibit 5 for identification and ask you if that is a copy?

(Handing document to the witness.)

A. That is it, yes, sir.

Mr. Reynolds: Yes.

Trial Examiner McCarthy: Will you describe that exhibit?

Mr. Reynolds: Board's Exhibit 5 is labeled "Employee Representation in Pershing Road Operations of Link Belt Company, Chicago", and the title page shows "Constitution and By-Laws of the Link Belt Employees Board, Pershing Road Plant, Chicago."

Trial Examiner McCarthy: It that the 39th Street plant?

Mr. Reynolds: Yes, sir.

Mr. Ford: For the purpose of the record, Mr. Examiner, the 39th Street plant is the Pershing Road plant, the name has been changed.

Q. (By Mr. Reynolds.) Now, how often were meetings held, Mr. Salmons?

A. The last Tuesday of each month.

Q. You had monthly meetings?

A. Yes.

Q. Now, were representatives of your divisions—by the way, what division did you represent?

81 A. I represented Division No. 7.

Q. The minutes indicate it was Division 4.

A. Well, it probably was 4, I have been out of it quite a while now.

Q. Now, as such representative, what were your duties?

A. Well, my duties was to represent the men and to take up conditions, working conditions, and so on.

Q. What did you do along those lines?

A. Well, at the first meeting I wanted them to have a meeting to let everybody attend the meeting.

Q. What do you mean by everybody?

A. The whole rank and file of the employees of the Link Belt Company, let everybody have a voice instead of leaving it up to the representatives to use their own judgment on all matters.

Q. And what done about that suggestion?

A. Well, it was turned down unanimously by all the other six representatives.

Q. In these meetings, how many representatives of the management were present?

A. Well, there were four, three shop men, and the fourth an office man, that is, including the four men. Only three actual shop men.

Q. And who were the four company representatives?

A. Well, Wendell was one.

82 Q. What was his position?

A. I think he had something to do in the engi-

neering and sales management division, I don't know his exact title, I don't know just his exact title.

Q. That was Mr. E. A. Wendell?

A. I think that is the man, that is on the minutes.

Q. And who was another company representative?

A. Heacock.

Q. H-e-a-c-o-c-k?

A. I don't know, it is on there somewhere, on the minutes.

Q. What was his position?

A. Electrical engineer.

Q. Is that a supervisory position?

A. Well, he is chief engineer of the electrical engineers.

Q. Who was another?

A. Marshall Fox.

Q. What was his position?

A. He is foreman of the stock room.

Q. Who was the fourth one?

A. Bill Peters.

Q. Bill Peters?

A. Peters.

Q. What is his job?

A. He is foreman in the foundry, the south end of the foundry; at that time he was.

83 Q. Now, did any other management representative customarily sit with you?

A. Mr. Berry.

Q. You refer to the assistant—

A. General manager.

Q. Assistant general manager?

A. Yes, sir.

Q. Did he customarily meet with you?

A. Yes, sir.

Trial Examiner McCarthy: Keep your voice up, please.

A. Yes, he met with us every meeting. Sometimes Mr. Kauffmann at other times would meet with us. He was president of the company, and I think one time, maybe two, Mr. Burnell was there, at least one time, sales manager, and then he moved up to general manager of the plant, as I understand.

Q. (By Mr. Reynolds.) Who were the other two representatives, shop representatives besides yourself?

A. Ray Frohling.

Trial Examiner McCarthy: Spell it, please.

Mr. Reynolds: F-r-o-h-l-i-n-g.

Q. (By Mr. Reynolds.) Who was the other man?

A. Well, myself, Louis Salmons, and I don't know the other fellow's name, I think it is Johnson.

Q. Johnston?

A. Johnson. We always called him "Baldy". We
84 go by nicknames so much I don't know his name, but his name is on there.

Q. Were minutes kept of those meetings?

A. Minutes were kept.

Mr. Reynolds: Mark this Board's Exhibit 6.

(Thereupon the document above referred to was marked "Board's Exhibit No. 66", for identification.)

Q. (By Mr. Reynolds.) I show you this collection of five papers marked Board's Exhibit 6 for identification, and ask you what they are.

A. They are minutes of the meetings.

Q. And were those minutes, were copies of those given to each representative?

A. To each representative.

Mr. Wham: What is the date of that?

Mr. Reynolds: The first one is dated February 28th, 1935; the next one March 31, 1936; the third one April 28th, 1936; the fourth one May 26th, 1936; and the fifth one June 30th, 1936.

Q. (By Mr. Reynolds.) Now, what matters were as a rule taken up at these monthly meetings which you held?

A. The matters which were taken up were more conditions in the plant, like broken windows, toilets and things like that. Once in a while the wage scale would
come up, increase in wages. Mr. Berry would tell the

85 condition of the company, it was losing money; always would have a report to make on the condition, on different jobs they had taken in, they had taken them at a low scale to give the men work, and they were losing money practically all the time. That was his report.

Q. Did changes in working conditions come up for discussion at those meetings?

A. Very much. I brought up conditions about working hours quite often, about men working twelve or fourteen hours a day, day in and day out. Mr. Berry would agree with me, it was the wrong thing to do, but nothing really—he never really done anything about it.

Our foundry—this condition was mostly in the foundry where I think there are fifty some men out there now with silicosis.

Mr. Ford: I object to that as being absolutely irrelevant and immaterial.

Trial Examiner McCarthy: He was discussing working conditions.

Mr. Ford: He is talking about something which exists out there now, which has nothing to do with the matter now on hearing. We are not trying silicosis cases here, or laying any foundation for them.

Trial Examiner McCarthy: Objection overruled.

Mr. Wham: May I say—

86 Mr. Ford: Besides, it is purely his conclusion that there are fifty silicosis cases in the foundry. I move that his answer be stricken as a conclusion which may be prejudicial to this Respondent.

Trial Examiner McCarthy: Objection overruled.

Mr. Wham: May I inquire what date he is talking about? Is he talking about the present time?

The Witness: I am talking about the time I was working in the plant before I was discharged.

Q. (By Mr. Wham.) You are not talking about the N. R. A. union now, you are talking about 1937?

A. No, I am speaking of the conditions that were going on there when I started to organize the Union, that is, the C. I. O.

Q. That was in the fall of 1937?

A. That was in 1936.

Q. In the fall of 1936?

A. Yes.

Q. (By Mr. Reynolds.) And also conditions that were existing at the time that you were representative on the Employees Board, is that right?

A. That is right.

Q. (By Trial Examiner McCarthy.) Is your testimony particularly directed to the time that you were the employees representative on the Employees Board?

87 A. That is right.

Q. That is my understanding.

A. And we brought these working conditions up time after time, about the long hours of work, and Mr. Berry had agreed after a man worked eight hours a day he was not efficient for any longer hours of work, but still that condition still went on.

Q. (By Mr. Reynolds.) Now, how was a final decision made in any matter which came up before the Employees Board?

A. There was very few decisions came up that was voted on, very few. Mostly they would just set around the table and talk about them, but the meetings were not conducted along parliamentary procedure at all.

Q. When a vote was taken the three management representatives voted alongside the four shop representatives, did they?

A. Oh, yes, outside of Mr. Berry, Mr. Berry did not vote.

Q. How did those votes usually go?

A. Well, it is according to what comes up. It was not very often—I don't remember of only very few times where there was ever any actual voting by the board members.

Q. And when votes were taken would they be on issues of considerable importance, working conditions or wages?

A. Well, yes, they would, but we were sitting around and we were talking about different things, and there would not be motions made and seconded and votes.

88 Q. Now, you have already spoken about your efforts in labor organizing. What was the first step you took along that line?

A. In organizing the C. I. O.?

Q. Yes.

A. Well, I went down to see Van A. Bittner, the organizing director of the C. I. O.

Q. When?

A. I went down, I think, along maybe the first of September.

Q. Of what year?

A. 1936. I asked him—I told him the working conditions we had out there to contend with and asked him if he would organize our plant.

He says yes. He says, "We will organize your plant with your assistance."

I asked him—I says, "Now, no doubt some of will get fired. Will you stand behind us if we do?"

He says, "I will guarantee to stand behind you 100 per cent."

And I asked him to send fifty applications to my house, which he did.

Q. Thereafter what did you do?

A. Well, in about—oh, I guess along maybe probably the middle of September of 1936 I got some of the fellows

together and talked to them. I had seven, I think, to
89 assist in this organizing. I give each one a certain
amount of applications, and we were going to do it
as quietly as possible.

So we started out and we were passing out applica-
tions to the fellows that we thought were more reliable,
that we could trust more, and worked that way.

And then we had a meeting on a Sunday, I think around
the 20th of September of 1936.

Q. Where was this meeting?

A. That was on the corner of 51st Street and Went-
worth Avenue. I had this meeting with the boys there. I
told them—I says, “Now, no doubt I will be fired, and
when I get fired, I will be on the outside, I will have to
work on the outside. Then it will be up to you fellows to
keep this thing going on the inside.”

They said they would.

Q. Was that all there was to the meeting Sunday?

A. That is all, that was practically the meeting.

Q. How much longer did you work for the company?

A. I was fired the following Monday.

Q. (By Trial Examiner McCarthy.) The following
what?

A. The following Monday.

Q. Monday?

A. Yes, sir. This meeting was Sunday and I was fired
the following Monday.

90 Q. (By Mr. Reynolds.) Describe the events on
Monday, the day you were fired.

A. Some time in the afternoon, I think around prob-
ably three or four o'clock, Joe Forss, my boss, the super-
intendent of the tool room, came to me and he says, “Mr.
Berry wants to see you down in his office.”

I says, “All right.”

I went into Mr. Berry's office.

Mr. Berry sat in there, and Mr. Conroy.

Q. Who is Mr. Conroy?

A. He works in the planning room, he has some fore-
man's job there, some title, I don't know just what it is.

And I walked in and Mr. Berry says, “I understand you
are spreading union propaganda around here.”

I says, “Well, there is talk of it.”

He says, “I don't want to argue with you, I will give
you half an hour to get out of the plant.”

So I left and went back to the tool room and I met Joe
Forss. He says, “What was it?”

154 *Witness for National Labor Relations Board.*

I says, "I am discharged."

He says, "I thought so."

I went on in the washroom and washed up. Joe Forss came in there and he said, "I didn't know this was going on." He says, "I didn't believe it."

I says, "It is all right, we have 370 men signed up."
91 At that time we really had eleven men signed up.

Q. Then did you have any further conversation with Mr. Forss?

A. No.

Q. What did you do?

A. I left the plant, washed up and left the plant.

Q. What did you do after you left the plant?

A. I went to Mr. Bittner's office.

Q. (By Trial Examiner McCarthy.) Who is he?

A. Mr. Bittner, Van A. Bittner.

Q. Who is he?

A. He is the organizing director of the C. I. O.

Q. (By Mr. Reynolds.) The regional director of the Steel Workers Organizing Committee?

A. Yes, sir. I went to Mr. Bittner's office and Mr. Bittner was out of town for ten days.

So I met Mr. Fontecchio, his assistant. I stated my case to him, and he sent me to the National Labor Relations Board. There I met Mr. Disser, and signed a complaint of discharge.

Q. (By Trial Examiner McCarthy.) You mean you went to the Regional office?

A. Yes.

Q. Did that all happen that same day?

A. No, I was discharged on Monday. I think it was
92 the following day when I went to Mr. Bittner's office.

Q. When did you go to the Regional office of the Labor Board?

A. The same day.

Q. The same day?

A. Yes.

Q. (By Mr. Reynolds.) What did you do following the filing of a charge?

A. Well, I went on back and began working on the outside, trying to build the union up, that is all I could do.

Q. Did you later return to work for the Link Belt Company?

A. I returned back to work for the Link Belt Company on 21st day of December.

Q. How did you happen to go back there?

A. Mr. Disser asked me to go back.

Q. What did he tell you?

A. He told me I should go up and ask Mr. Berry for my job, and I would be put back to work on my old job, and I would get the increased pay and vacation rights and so forth, as if I had been away on a vacation.

Q. What was your old job?

A. I was maintenance man, maintenance electrical man.

Q. What duties does that job involve?

A. Well, taking care of all electrical motor work throughout the plant, keeping it in condition, repairing
93 breakdowns throughout the plant.

Q. Did that require going throughout the plant?

A. All over the plant, every motor; and my duty every morning was to inspect every motor running throughout the plant. That was my job, that was the first thing I did. If I seen any motor that had to be taken care of it was up to me to take care of that motor, or any calls I might get during the day.

Q. Did you go back to see Mr. Berry?

A. I did.

Q. What day was that and what occurred?

A. It was on the 21st day of December, 1936. I went into Mr. Berry's office and I said, "Mr. Berry, I have come back to get my job back."

He says, "Wait until I get a witness."

He called in Mr. Conroy and he says, "New, what do you want?"

I says, "I want my job back."

Mr. Berry says, "Well, we will give you your job back, we will give you an increase in wages, we will give you a vacation and put you upstairs."

And he says, "There will be no more running around the plant."

I went upstairs and went to work on the bench there and I have been working there ever since.

94 Q. Now, was there any discussion about the Union activities at the time you came back?

A. Yes, he says, "There will be no more organizing."

I says, "No, there will be no organizing in the plant, but there will be lots on the outside."

Q. Then you went back to work?

A. I went back to work.

Q. What was your job at the time you went back to work?

A. My job was electrical work, repair work, up in the

tool room. I was put up in the tool room and I worked in there.

Q. You worked in the tool room?

A. I worked in the tool room on the electrical work, repairing motors, anything which happened around there.

Q. Thereafter you did not go about the plant as you had previously?

A. No.

Q. Now, was there any discussion about back wages at the time you went back?

A. Well, when I signed a release at the Labor Board I signed a release that they could reopen the case at any time, that the case could be reopened. I would not go back without that.

Q. And did the Link Belt Company ask you to sign anything when you went back to work?

A. No.

95 Q. Now, during the time that you were absent, the three months from September to December, was there any person hired to take your job?

A. There was, there was another man hired, yes, sir.

Q. How many men do that kind of work there?

A. Those men are there—there are about five electricians, that is, considering the helpers and so on. There are now four electricians, probably, and I would guess two helpers. Of course, one man was transferred into another job, but he is really not an electrician, but he is taking the place of one by himself.

Q. Now, prior to the time of your discharge how many hours a week had you been working?

A. Well, I would generally work around forty-eight hours a week and on Sundays occasionally.

Q. During the time that you were off do you have any knowledge as to how much work was performed by the electrical department?

A. The electrical department worked seven days a week during the time I was off. Maybe they were off one Sunday out of the entire time, but I don't think any more.

Q. Following your return in December, how long did that group work?

A. Well, they worked seven days a week until the week before Easter.

96 Q. (By Trial Examiner McCarthy.) Easter, 1937?
Mr. Reynolds: 1937.

The Witness: Yes. I have a Social Security card with

the figures showing that they worked 572.2 hours more than I have since I was put back to work.

Q. (By Mr. Reynolds.) You mean the whole group?

A. I have one party.

Q. One individual?

A. Yes, but they were all working practically about the same time.

Q. How many hours a week did you work after you went back?

A. Forty hours a week.

Q. Your job was a different job?

A. It was—

Mr. Ford: Just a minute, the complaint alleges the job is the same when he returned as when he was taken off.

Mr. Reynolds: Yes, I intend to amend that.

Mr. Ford: I think that is immaterial, irrelevant and contradictory, impeaching his own complaint and sworn charges.

Mr. Reynolds: I have a right to amend the complaint.

Mr. Ford: You have a right to do so, but I would like to know what kind of a case we are trying. That was absolutely the purpose of my motion at the outset of the hearing. You start in by trying one case and end up by
97 trying another one.

Trial Examiner McCarthy: We will recess until one-thirty.

(Whereupon, a recess was taken until 1:30 o'clock p. m.)

98 After Recess.

(Whereupon, the hearing was resumed, pursuant to recess, at 1:30 o'clock p. m.)

Trial Examiner McCarthy: You may proceed.

LOUIS SALMONS, resumed the stand as a witness on behalf of the National Labor Relations Board, and being previously duly sworn, was examined and testified as follows:

Direct Examination (Continued).

Q. (By Mr. Reynolds.) Now, Mr. Salmons, after you returned to work in December, 1936, you say you worked there forty hours a week thereafter?

A. The first Sunday, or the first Saturday, I was ordered to work Saturday and Sunday, and along about sometime in the afternoon my boss told me that I would not work Sunday.

Q. Who was your boss?

A. Paul Anderson.

I says, "Why?" He says, "You will probably work forty hours a week from now on."

Q. And at that time was there any further discussion about the forty hour week?

A. No, I was never asked to work any overtime after that.

Q. Now, you have already stated that the other electricians worked seven days a week thereafter until about Easter time, is that right?

99 A. That is right. There may be one week they might have taken a day off, but not to my knowledge.

Q. Now, you stated that a man named Bjork was one of those who was in that group of electricians?

A. That is right.

Q. Did he do the same work that you had formerly done before you were discharged?

A. Well, he was working at construction work before I was discharged.

Q. After you were discharged, what kind of work did he do?

A. Well, he still worked at construction work for a while, and then went on maintenance work, the job that I used to have.

Q. And after you came back you continued to do the same work you had previously done?

A. No, after I came back, they were working on the job that I had, Fred Johnson and Bjork.

Q. The two of them were on the job?

A. The two of them were taking care of the job that I had.

Mr. Reynolds: Mark this Board's Exhibits, the next numbers.

(Thereupon the documents above referred to were marked "Board's Exhibits Nos. 7 and 8", for identification.)

Q. (By Mr. Reynolds.) I show you this cardboard 100 slip, marked Board's Exhibit 7 for identification, and ask you what that is.

A. This is A Social Security card which gives the hours and salary and money paid to the Social Security.

Trial Examiner McCarthy: For whom?

Q. (By Mr. Reynolds.) For whom?

A. For Waldemar Bjork.

Q. For what period of time?

A. This is the first three months in January.

Q. In what?

A. In 1937.

Q. You mean the first three months in the year?

Mr. Ford: I will object to this line of testimony unless it is established that Mr. Waldemar Bjork in some way is interested in this case or has some connection with it. The testimony of this witness so far certainly does not connect him with the proceeding. Certainly it does not connect up with Waldemar Bjork or tie it in with anything that has to do with this hearing. I have no doubt that there are perhaps hundreds of men in the plant who have Social Security cards which will show they have worked more hours and earned more money than this particular fellow that is sitting here.

Mr. Reynolds: It happens to be material with reference to this man.

101 Mr. Ford: Then it should be shown to be material before we go into it.

Trial Examiner McCarthy: Objection overruled. You may proceed.

(By Mr. Reynolds.) What period of time does that card cover?

A. The first three months of January.

Q. Of 1937, you mean?

A. Of 1937.

Q. January 4 to April 4, 1937, is that right?

A. That is right.

Q. How many hours does that show that Mr. Bjork worked during that period?

A. 779.6.

Q. The last figure is a decimal, is that right?

A. That is right.

Q. A fraction of an hour.

A. Yes, sir.

Q. Now, I show you Board's Exhibit 8 for identification and ask you what that is.

A. That is my card for the same period of time.

Q. (By Trial Examiner McCarthy.) Social Security card?

A. Social Security card, where I have worked 552.1 hours.

Mr. Reynolds: I will offer Board's Exhibit 7 and Board's Exhibit 8 in evidence.

102 Mr. Ford: I object to them on the ground that they are utterly immaterial and irrelevant.

Trial Examiner McCarthy: Overruled. They will be received.

Mr. Ford: Mr. Examiner, here is what that puts us to. It puts us to the burden of overcoming the comparison between two cards, of proving how many hours other men worked in this plant.

Now, this Respondent is willing to do that, but we will be here until next summer doing that.

Trial Examiner McCarthy: If it is material, you may do so.

Mr. Ford: We will do so, but we will be here all summer then.

Trial Examiner McCarthy: All right, they will be admitted.

(The documents heretofore marked "BOARD'S EXHIBITS NOS. 7 AND 8", for identification, were received in evidence.)

Q. (By Mr. Reynolds.) Now, after Easter of 1937, how did your hours compare with the others in the group of electrical maintenance men?

A. Well, they were pretty well along the same line.

Q. Do you know why the situation happened to change at that time?

103 A. Well, we figured it was because of the law of the state, because a man has to have twenty-four's rest.

Mr. Ford: I object to what he figures as being his conclusion.

Q. (By Trial Examiner McCarthy.) Do you know the reason why it was changed?

A. I think on account of the state law, yes.

Mr. Ford: I move that his answer be stricken.

Trial Examiner McCarthy: Overruled. It is his conclusion.

Q. (By Trial Examiner McCarthy.) Is that the only reason that you know of?

A. That is the only reason that I know of. I don't know that is the reason it was stopped, but I know that is the law of the state, or I understand it is the law of the state.

Trial Examiner McCarthy: Proceed.

Q. (By Mr. Reynolds.) During the three months pe-

riod that you were off, between September and December, 1936, how much money did you make?

A. \$120.00, probably, and some few cents.

Q. (By Mr. Ford.) Between what dates?

Q. (By Trial Examiner McCarthy.) On other employment?

Q. (By Mr. Reynolds.) On other employment. What other employment did you have during that time?

A. The only employment I had was with the C. I. O.

104 Q. Do you have anything to show for the—

A. I have the checks.

Mr. Reynolds: Mark this Board's Exhibit 9.

(Thereupon the document above referred to was marked "Board's Exhibit No. 9", for identification.)

Q. (By Mr. Reynolds.) I hand you this collection of eight vouchers marked Board's Exhibit 9 for identification and ask you what they are.

A. They are vouchers and checks which I received from the C. I. O. for time while I was running around helping assist in organizing the Union.

Q. For what period are those checks?

A. Those are from—they start in—these checks don't tell just the date that they started.

Trial Examiner McCarthy: What is the purpose of these exhibits?

Mr. Reynolds: To check the earnings.

The Witness: The earnings that I made—

Trial Examiner McCarthy: They will speak for themselves.

Mr. Reynolds: Very well.

Mr. Ford: I can only say that they are immaterial, they do not prove anything.

Mr. Reynolds: They are definitely not immaterial.

105 Mr. Ford: They do not prove anything.

Mr. Reynolds: They prove how much he made during that period, and that is certainly material.

Mr. Ford: They prove something perhaps that he made, but they do not prove it all, and by themselves they are meaningless.

Mr. Reynolds: I will offer this collective exhibit as Board's Exhibit 9.

Trial Examiner McCarthy: It will be received.

Mr. Reynolds: Consisting of eight vouchers.

(The documents heretofore marked "BOARD'S EX-

HIBIT NO. 9", for identification, were received in evidence.)

Q. (By Mr. Reynolds.) During the time that you were not working for the Link Belt Company,

Mr. Ford: In addition to that, may I suggest it is the Board's practice which has been followed in every case, that it is no part of this proceeding, and ultimately whether this man should be paid back for the time that he claims he lost, that is a matter that is determined subsequent to this time by proper proceedings limited to that purpose.

Mr. Reynolds: Maybe you have access to some later regulations that I know nothing about.

Mr. Ford: I am stating what I understand to be the practice and the law.

106 Mr. Reynolds: The ruling has been made.

Trial Examiner McCarthy: They have been received, yes.

Q. (By Mr. Reynolds.) Mr. Salmons, did you have any other earnings during the period between September 21, 1936 and December 21, 1936, other than the amounts that were paid to you by the C. I. O. organization?

A. I did not.

Q. And those amounts are represented by those checks which have just been introduced in evidence as Board's Exhibit 9?

A. Yes.

Q. Is that correct?

A. That is correct.

Q. Now, what was your rate of pay, Mr. Salmons, at the time you were discharged?

A. I don't just remember, but I think it was around 74 cents an hour.

Q. What was it after you came back in December, 1936?

A. I don't just remember, there was quite a few increases in wages in that period of time.

Q. Now, what was your rate of pay with reference to the others in the electrical maintenance group?

A. I don't know, only I do know that I was the highest paid man outside of Paul Anderson.

Q. Outside of Paul Anderson?

A. Yes, sir, but their rating, I couldn't say.

107 Q. Now, during the period from January 4, 1937 to April 4, 1937, Board's Exhibit 7 indicates that Mr. Bjork earned \$547.86; for that same period you are shown

to have earned \$504.51. Mr. Bjork's rate of pay was not the same as yours, was it?

A. No, not by quite a large amount.

Q. His rate was less than yours?

A. Quite a bit less.

Q. (By Trial Examiner McCarthy.) How much less?

A. I couldn't say just how much, but there are two fellows who are getting a higher rate than he is, or I am almost positive that they are, I couldn't say for sure that they are, but I am almost positive that they are.

Q. (By Mr. Reynolds.) Now, at the time that you were discharged, were you still serving as a representative on the Employees Board?

A. I was at the time that I was discharged, yes.

Q. When you came back in December, did you continue at your work?

A. No.

Q. What was said about it at that time, if anything?

A. Well, there was really nothing said about it to my knowledge, but only they had elected a new man in my place.

Q. And thereafter you had nothing to do with the Employees Board?

108 A. I had nothing to do with it.

Q. Now, had you been elected an officer in the C. I. O. Local Union at the time you came back in 1936?

A. I can't say for sure, but I am almost sure that we had elected officers at that time.

Q. (By Trial Examiner McCarthy.) Were you elected as one of them?

A. I was elected president.

Q. At about what time?

A. I don't remember just what time that was, but I think that was probably April of 1937, if I am not mistaken.

Q. (By Mr. Reynolds.) April of 1937, after you had returned?

A. I think it was along in April. I am pretty sure our charter was issued in April, but I am not absolutely sure of that, but I have this charter that I can bring you.

Q. Did you have any dealings then with the management after you took over the job as president of the Local Union?

A. Not until I was put back to work.

Q. I mean, after you were put back to work?

A. Yes, I had.

164 *Witness for National Labor Relations Board.*

Q. What, if anything did you do?

A. Well, we asked for a recognition of our Union.

Q. When did you do that?

A. That was in April, around the 23rd or 24th?

109 Q. Who did you ask for recognition?

A. Mr. Berry.

Q. What were the circumstances?

A. He told us that he had recognized one union and under the laws of the Wagner Bill he could not recognize two.

Q. Did you know before you went in there that another union had been recognized?

A. There was a bulletin on the board on April 21st which said that they had recognized the Independent Union of Craftsmen, signed by Mr. Berry.

Mr. Reynolds: Mark this Board's Exhibit 10.

(Thereupon the document above referred to was marked "Board's Exhibit No. 10", for identification.)

Q. (By Mr. Reynolds.) I show you Board's Exhibit 10 for identification. Do you know what that is?

(Handing document to witness.)

A. That is the bulletin put on the board.

Q. (By Trial Examiner McCarthy.) What date?

A. I can't see it.

Mr. Reynolds: The date is April, this is an agreement dated April 21, 1937, and no other date appears on it except April 21, 1937.

Mr. Ford: No objection.

110 Trial Examiner McCarthy: If there is no objection, it will be received.

Mr. Reynolds: I offer it as Board's Exhibit 10.

(The document heretofore marked "BOARD'S EXHIBIT NO. 10", for identification, was received in evidence.)

Q. (By Mr. Reynolds.) Now, you say you had a meeting with Mr. Berry?

A. Yes.

Q. Were you alone?

A. No, there was a committee of seven with one of our—no, a committee of seven, the first meeting we had, if I am not mistaken, was seven.

Q. And who acted as spokesman for the C. I. O.?

A. I did.

Q. What did you say to Mr. Berry?

A. I asked Mr. Berry—I told him that we wanted recognition of our Union, we felt that we were in the majority and we were entitled to it, or something of that order.

I don't just remember word for word.

Q. And what did he reply?

A. He said that they had recognized one union and they couldn't recognize two.

Q. Now, did you make any other effort to deal with the company following that time?

A. Later on we had another conference with Mr. Berry.

111 Q. (By Trial Examiner McCarthy.) When?

A. I don't remember.

Q. About a month later, or what?

A. No, no, in a few days, and at that time we called in one of our union representatives, Mike Martin, and if I am not mistaken John Riffe was there.

Q. What happened at that meeting?

A. Well, practically the same thing took place, they refused to recognize our union because they had recognized one.

Trial Examiner McCarthy: Keep your voice up.

A. On account of he had recognized one union he couldn't recognize two.

Q. (By Mr. Reynolds.) Did you make any offer to prove a majority?

A. Well, at that time John Riffe was the organizing director and he filed charges with the Labor Board.

Q. And that was the last talk you had with the company, attempting to bargain with them?

A. Well, in attempting to bargain collectively, yes, but we have had other agreements that they have taken up by committees from time to time.

Q. And the company has met with you from time to time since then?

A. They have.

Q. Now, did you understand what union it was that he referred to as having been recognized?

112 A. The Independent Union of Craftsmen.

Q. Now, when did the Independent Union of Craftsmen first come to your notice?

A. Well, it started right around about the—oh, from the 18th of April—

Q. What year?

A. No, I can't say the exact date—of 1937. They were going around with a list at that time.

Q. Who was?

A. Well, different parties.

Q. Did you see any of them?

A. I seen Bill Greenlee with a list.

Q. What is his position?

A. He works in the planning room, I don't know just what his position is. He does office work.

Q. Did you see anyone else soliciting?

A. Well, I never seen anyone else because I was not in position in the shop to see them. You see, I was in one department, and I never seen them. Of course, I knew that there were others, but as far as seeing them, I never did see them.

Q. Did Mr. Greenlee ask you to sign?

A. He did.

Q. What did he say to you?

113 A. He asked me to sign up with their union. He said it was an organized union and he asked me to sign up.

I told him no, I was barred by signing with one union and I didn't feel like I would sign up with another one. That was on company time, in the tool room, and the boss, Joe Forss, probably was not over twenty-five or thirty feet away.

Q. Now, did Mr. Greenlee—

Q. (By Trial Examiner McCarthy.) In other words, Joe Forss saw Mr. Greenlee soliciting you?

A. I couldn't say that he did see, but he was in the tool room not over twenty-five or thirty feet way.

Q. (By Mr. Reynolds.) Did Mr. Greenlee at that time have a list or any sort of paper?

A. He had a paper with some names signed to it, and it was headed—I don't remember what that heading was.

Q. Was there anything else on the paper besides the heading and the signatures?

A. Well, there were some signers on it, some few signatures.

Q. But you don't remember anything else that appeared on that paper?

A. No, I don't.

Q. Were you asked at any later time to join?

A. No, I was not asked again.

Q. Did any supervisory official besides Mr. Berry
114 ever say anything to you about the unions or unionism?

A. No, nobody ever said anything to me on unions or unionism until I was discharged. That was the first time it was ever mentioned to me; although at one time in a meeting the question came up about unions, outside unions, and Mr. Berry at that time made a statement in the meet-

ing that if there was any outside union come in the plant he would walk out.

Mr. Ford: Was that in the Employees Board meeting? May I have that time established?

Q. (By Mr. Reynolds.) Do you remember when?

A. I can't say what meeting it was. I know it was before I was discharged, but that was the only time.

Q. (By Trial Examiner McCarthy.) How long before? Identify it.

A. Oh, maybe two or three months, maybe longer, I don't remember.

Mr. Wham: Was that with reference to the N. R. A. board?

The Witness: That was the Employees Board.

Q. (By Mr. Reynolds.) Well, except for the time when you came back to the plant in December of 1936, that is the only other occasion that unionism was mentioned to you?

A. There was no unionism mentioned to me by any foreman in the plant or at any time, only this one time that Mr.

Berry mentioned it in the meeting. As far as the fore-115 men or anybody talking to me about the union, there was none.

Q. Now, have you had occasion to observe the workings of the machinery of the new Craftsmen's Union?

A. No, I haven't, I don't know a great deal about it, because in the plant I haven't been around in the plant, I have been in the one department, a small department, and there is very little information I have got about the Independent Union.

Q. You don't know what the basis of its organization is, do you, as to representatives?

A. No, I don't know the rules. All I know is it was really recognized before they had any membership meetings. They might have had a meeting of a few, a very small committee, and were recognized from that standpoint, and from this list they had taken around to sign up.

Q. Did you ever see any announcement on the bulletin board concerning the Independent Union of Craftsmen?

A. They have a bulletin board they put bulletins on about calling meetings, and so on. That would be put on. I really never seen any of them because I don't think there are any put up on the bulletin boards on that now, not to my knowledge, there isn't.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Ford.) Who is Joe Forss?

116 A. Joe Forss is superintendent of the tool room. He is in charge of the tool makers and electricians.

Q. Did Joe Forss ever say anything to you about joining a union?

A. No, the only time that he ever said anything to me was when he sent me down to Berry's office, and I come back upstairs, and he came in the washroom and he said, "Well, I didn't believe it when they told me that the union started", or he says, "I didn't believe it."

I told him we had 370 signed up.

Q. That is all he ever said to you?

A. That is all he ever said.

Q. Did he ever say anything to you about Bill Greenlee having a petition and asking you to sign up?

A. No.

Q. Were you standing at that time in a position where you could see Joe Forss?

A. I could.

Q. Was he looking at you?

A. No, I couldn't say that he was, he was not facing me, he was kind of sideways.

Q. Had you any reason to believe that he saw Greenlee approaching you with this petition?

A. I couldn't say that he saw it.

Q. In other words, you just volunteered the information that Joe Forss was about twenty-five or
117 thirty feet away from you at that time?

A. That is right, but still if Bill Greenlee was afraid to sign me up in his union he wouldn't have taken a chance to do that if it was against the rules.

Q. That is your opinion?

A. That is my opinion, yes. You know, if I was going to sign some man up in a union, and I seen Berry of the company there, I wouldn't do it. I might get behind the post and do it, but I am not going to be that open.

Q. By the way, who is Bill Greenlee? Is he a foreman?

A. No, I don't think he is a foreman.

Q. He works in the planning department?

A. He used to be a foreman in the stock room before this matter here, quite a while before.

Q. Did he get demoted?

A. I think demoted to the office. I don't know what title he holds down there now or his duties.

Q. You would not consider him as being a supervisory employee?

A. No.

Q. Nor would you consider him as being a supervisory employee at the time he had this petition?

A. No.

Trial Examiner McCarthy: Keep your voice up, please.

118 A. No, I wouldn't say that he was a foreman. In fact, I don't know.

Q. (By Mr. Ford.)—As far as you know he is not?

A. I knew that he works in the office. What his title is, I don't know.

Q. When you say the office, you mean the planning office?

A. The planning room.

Q. Now, you testified that no one ever said anything to you about unionism until you were discharged. Was anything said to you about unionism when you were discharged?

A. The only thing said to me was that I was spreading union propaganda around the plant.

Q. Around the plant?

A. Yes.

Q. And that is all that was said?

Q. (By Trial Examiner McCarthy.) Is that all that was said?

A. That is all that was said at the time that I was discharged. I went in—first, I was told to go in and see Mr. Berry. I walked in his office.

He says, "I understand you are spreading union propaganda."

Q. What did you say?

A. I says under the law we have that right.

Q. And then what did he say?

A. He says, "I don't want to argue with you, I will give you half an hour to get out of the plant."

119 Q. (By Mr. Ford.) That is all that he said?

A. Yes.

Q. Now, can you think for a moment and try to remember the time that Mr. Berry addressed a meeting of the Employee representatives and said something about outside unions?

A. The only time that anything was said about outside unions, as I stated before, Mr. Berry—the question came up about outside unions; I don't know how it came up now,

but the only thing Mr. Berry said at that time was if an outside union come in he would walk out.

Q. Now, are you sure that Mr. Berry didn't say if an outside union comes in and tries to tell us how to run our plant he would get out?

A. No, not that I remember.

Q. You don't remember that?

A. No. You know, there was a lot of conversation going on in there. He might have said it, I don't say that he didn't say that.

Q. What I am trying to get at is what he actually said. Do you remember when that was?

A. No, I don't.

Q. Was it a couple of years ago, three years ago?

A. I don't really have no idea, but it was quite a while ago.

120 Q. It was some time before you were discharged?

A. Yes, quite a while before I was discharged.

Q. Maybe a year before you were discharged?

A. I couldn't say, it might be two or three months, I don't remember.

Q. You don't remember?

A. No.

Q. It has not been recently?

A. What?

Q. It has not been recently?

A. No, sir.

Q. Now, what was your job at the time you were discharged in September of 1936?

A. I was maintenance man. My duty was to take care of the machinery, the electrical machinery which was in operation throughout the plant. My duty was of a morning to go around and inspect everything over the plant and take care of things that needed attention at that time; and during the day if anything broke down or any trouble anyplace, I was to be called.

Q. You were a trouble shooter, as it is commonly called?

A. Yes, sir, general maintenance.

Q. How long had you been on that job?

A. Well, I couldn't say just how long I had been on that job, for quite a while, though, a number of years.

121 I would say three or four. I can't say for sure. I don't know.

Q. I just wanted your general idea.

A. When I started there I was on construction, electrical construction work.

Q. It is true then that you had a chance to circulate around the plant?

A. Certainly, that is true.

Q. You did circulate around the plant a great deal, I take it?

A. Some, not much, because I didn't have much time, see. It was just a matter of a few days until I was discharged.

Q. (By Trial Examiner McCarthy.) You are referring to your duties or to your efforts soliciting for the Union? Which are you referring to?

A. Soliciting?

Q. You say you circulated around the plant, what do you mean?

A. I meant the union activities. I didn't really come out and take up anyone's time, I was on my duty. If the machine was broken down or anything like that, if somebody was there I would say something about the Union. We had a right to go ahead and pass out circulars or anything we had for the Employees Board. We took the by-laws and passed them around through the plant on the company's time. I was elected by the men to represent the men. It was my duty to represent them as I felt 122 in a proper way for their own best benefit.

Q. (By Mr. Ford.) And you did that?

A. And I did that.

Q. Now, what is this new job that you have?

A. Well, it is a job—this new job is electrical work, repair work, any stuff that comes upstairs, like molding or an extension cord, stuff like that.

Q. It is a job on a pay level with your old job?

A. Certainly.

Q. Or better?

A. No, it is not better, only the increase in wages that we all got, you know.

Q. But it is paid at least as well?

A. It pays at least as well, yes.

Q. But it does, not give you as much freedom to go around and shoot trouble around the plant?

A. It is not the idea that I want the freedom.

Q. Are you still satisfied with this job?

A. I am still satisfied with this job, with this other job as compared with the other job, because this job is a little easier for that matter, but I haven't got the right to the same amount of hours with the others.

Q. We will come to the hours a little later.

So you have no complaint as to the job itself as a job?

123 A. Not as far as the work goes.

Q. And you have no complaint as to the rate of pay, except that we all want more money than we are getting?

A. That is, the hourly rate? The hourly rate, I have no complaint on.

Q. The rate of pay, you have no complaint as to that?

A. Not as to the hourly rate.

Q. Now, you worked forty-eight hours a week, did you, before you were fired?

A. Well, mostly forty-eight hours, and now and then Sundays and sometimes we worked overtime.

Q. Sometimes when you worked Sundays you got even more than forty-eight hours?

A. Yes, sometimes more than forty-eight, but almost always forty-eight hours. Sometimes we got off Saturday noon. The average time was forty-eight hours, and then occasionally on Sundays.

Q. Now, do you know whether anyone in the plant who has been receiving an hourly rate of pay equal to or approximately yours who has worked more hours than you have since you came back to work on the 21st day of December, 1936?

A. Yes.

Q. All right, who?

A. Paul Anderson. He probably—

Q. Paul Anderson is a foreman, isn't he?

124 A. He is a foreman, and works along with us, but he takes care of the job, and takes care of the time and give us our jobs, and then he takes his place right along with us.

Q. Is there anyone at this time except Anderson, who is in a supervisory capacity, that you know of in your department who receives the same rate of pay you do who is working more hours than you do?

A. No, there is nobody except Anderson who receives as much as I do, not to my knowledge. I don't think they do.

Q. (By Trial Examiner McCarthy.) What do you mean by that, that you receive more per hour?

A. Per hour.

Q. But you work less hours, that is the point?

A. Yes, sir.

Mr. Ford: I am trying to find out.

Q. (By Mr. Ford.) Mr. Salmons, is there anyone who receives anywhere near what you do who is working more hours than you do?

A. Yes.

Q. Who?

A. Fred Johnson.

Q. What is Fred Johnson's rate of pay per hour?

A. I don't know.

Q. Then how can you answer my question as to what Fred Johnson's rate of pay is?

125 A. I can answer your question this way, that he works more hours.

Q. Do you know of anybody who receives the same or approximately the same rate per hour that you do who works more hours than you do?

A. Paul Anderson.

Q. He is a foreman. Anybody besides him?

A. In our department outside of Paul Anderson I am the highest, the highest rated hourly man.

Q. Do you know whether your earnings are higher than anyone in the department outside of Paul Anderson?

A. The yearly earnings?

Q. Whose hourly rate is higher?

A. Fred Johnson.

Q. (By Trial Examiner McCarthy.) Mr. Johnson gets a higher rate per hour?

A. No, I get a higher rate per hour, but he makes more money at the end of the year than I do.

Q. At the end of the year?

A. Because he works more hours, I don't work all the hours that he does.

Q. (By Mr. Ford.) How much has this man Johnson made since the first of December, 1936?

A. I couldn't say just for sure, but I have made something around \$2100.00, and I think he has made around \$2800.00.

126 Q. (By Trial Examiner McCarthy.) How do you know that?

A. That is what we checked.

Q. Who told you that? He told you that?

A. He told me that. I can't say it is true, but he has the same cards that I have, and you can ask him for those cards, and check my cards with his.

Q. (By Mr. Ford.) Do you know whether it is true that this fellow Johnson's hourly rate is approximately 15 cents less than yours?

A. I couldn't say.

Q. You don't know?

A. No, I don't know the other fellow's rate.

Q. Have you been working your regular forty hours per week every week?

A. I have until the slack time.

Q. Until the slack time?

A. Up until Easter, a week before Easter, I worked forty hours.

Q. Since then there has been a general slackening off in business?

A. The thing changed, they slacked down immediately when they stopped working seven days a week, and I have worked with the rest of them from that time on.

Q. You haven't any complaint to make since last Easter?

A. You couldn't make any complaint. There may be a variation, they may have taken a day off, maybe, some of the others, but I can't make any complaint.

Q. So you are limiting your complaint—

A. Up to Easter.

Q. From December 21st, 1936, until Easter, 1937, which probably occurred sometime in March?

A. About a week before Easter.

Q. In March, 1937?

A. I can't make any complaint since that time.

Q. But for three or four months in that time, that is when you are complaining?

A. From that time up until Easter.

Q. (By Trial Examiner McCarthy.) Your suggestion is there has been a discrimination against you on an annual basis?

A. That is right.

Q. Not on the hourly basis?

A. Not on the hourly basis.

Q. But on an annual basis?

A. Yes, sir.

Q. (By Mr. Ford.) Is it true that you are confining your charge of discrimination on an annual basis to the period between December 21, 1936, and the week before Easter, 1937?

A. That is right.

Q. Since that time generally speaking everything has been all right?

128 A. Yes, sir.

Q. Now, let us go back to the time in September when you were discharged, in September of 1936. You were discharged on what date?

A. On the 21st day of September.

Q. You were discharged on the 21st day of September?

A. September, yes.

Q. That was on a Monday?

A. Yes, sir.

Q. And on Tuesday you went to see Mr. Van A. Bittner?

A. Yes, sir.

Q. Who was the regional director of the Steel Workers Organizing Committee?

A. That is right.

Q. That would be on the 22nd?

A. Yes, sir.

Q. On the same day you went at his suggestion to see Mr. Disser of the Labor Board?

A. No, Mr. Bittner was out of town, but his assistant sent me to the Labor Board.

Q. His assistant sent you to the Labor Board?

A. Yes, sir.

Q. Did you see Mr. Disser on the 22nd of September?

A. I did.

Q. And did you file charges?

129 A. I did.

Q. And were those charges ever investigated by the Board?

A. I think they were; of course, I don't know, I can't swear to that.

Q. Did you ever have any conferences after that with Mr. Beman who was then Regional Director of the Labor Board?

A. I did with Disser.

Q. And with Beman?

A. No, not with Beman.

Q. But you did with Disser?

A. Yes, sir.

Q. Did you ever meet in the Regional office of the Labor Board with Disser and a representative of the Link Belt Company to discuss your case?

A. No, no.

Q. Did Mr. Disser ever tell you what disposition had been made of your case?

A. Well, no, not until he told me to go back to work.

Q. He said go on back and go to work?

A. That is right.

Q. Did he say—

Q. (By Trial Examiner McCarthy.) Did he say to go back and go to work, or did he say to go back and ask for your job?

A. He told me I should ask for my job back.

Q. (By Mr. Ford.) Did he tell you he had made 130 arrangements with the company for you to go back?

A. He told me I would get my job back.

Q. He said you would get your job back?

A. He said to go back and ask for my job. He said, "Go back and ask for your job, they will put you back to work, they will give you the increase in wages, and your vacation rights, just the same as if you had been off on a vacation."

Q. Did he tell you anything else about the kind of work you were to do and how you should do it?

A. He told me I would go back on my old job.

Q. What did he tell you about conducting yourself with reference to union activities?

A. He didn't tell me anything about going ahead and organizing any organization.

Q. Did he tell you anything about how you should handle yourself on your job?

A. Well, he told me this: "You will have to watch yourself, if they can get anything against you, they will kick you out."

Q. (By Trial Examiner McCarthy.) Did he say no more organizing in the plant?

A. No.

Q. (By Mr. Ford.) Did Mr. Disser tell you anything at all about organizing in the plant?

A. No, sir.

131 Q. Did he tell you anything about organizing on company time?

A. No, sir.

Q. He just told you to watch your step?

A. Just told me to watch my step, if they get anything on me, they will kick me out.

Q. Do you know of any conferences which were held by the Labor Board in connection with your case?

A. Not that I know of, there might have been, they might have had some conferences. No doubt they were up to see the management of the company, but not to my knowledge.

Q. What was this release that you signed?

A. I don't remember just how he worded it, but it said that I could reopen the case at any time.

Q. What else did it say?

A. That is practically all.

Trial Examiner McCarthy: Have you got a copy of that?

Mr. Reynolds: No, I don't have a copy.

Trial Examiner McCarthy: Are you familiar with the form?

Mr. Ford: No, I am not familiar with the form.

Trial Examiner McCarthy: Would you like to see it?

Mr. Ford: I would like to see it, because the Respondent was not furnished with a copy of any such release at the time the matter was previously before the Board.

132 Mr. Reynolds: I haven't seen any, probably a withdrawal of the charges. That is probably what it was.

The Witness: I don't remember just the whole wording of it, but that was understood, that the case could be re-opened.

Trial Examiner McCarthy: It was not so much a release as a withdrawal of the charges.

The Witness: I assume that is what it was, I don't know.

Trial Examiner McCarthy: Is that your understanding?

Mr. Ford: I imagine that is what it amounts to, it was a withdrawal of the charges, because we were advised by the Regional Director that the charges had been withdrawn after certain negotiations, which we will develop in due course.

I would like to see if you can find one, Mr. Reynolds. I would like to look at it.

Mr. Reynolds: Yes, it will be in our closed file.

Q. (By Mr. Ford.) So when you went back to work Mr. Berry had a little talk with you?

A. Yes, sir.

Q. You then brought this case?

A. Yes, sir.

Q. You have been president of the Union ever since?

A. Yes, sir.

Q. You haven't done much of any soliciting around the plant since then?

133 A. Yes, we have done soliciting, but not on company time.

Q. Not on company time. You haven't been quite as active as you were prior to that time?

A. I can't say we haven't, but I know we have our own orders not to do anything on company work, or company time.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) How do you know that you were not supposed to?

A. We had orders from our directors.

Q. Did Mr. Berry tell you he didn't care what you did outside the plant?

A. He said there will be no more organizing.

Q. He said there would be no more organizing inside the plant?

A. Well,—

Q. I mean, on company time.

A. He put it this way; he says, "There will be no more organizing."

I said, "Not in the plant, but we will organize outside."

Q. Did he understand what you meant, and did you understand what he meant? He said "No more organizing inside the plant". That is what he said, isn't it?

Mr. Reynolds: No, he did not say that.

The Witness: No, he said this, "There will be no more organizing."

I said, "No, not in the plant, but we will organize plenty outside."

Q. (By Mr. Ford.) Whatever you did say to him, did he say that was O. K.?

A. He said, "I have no jurisdiction over what you do on the outside."

Q. (By Trial Examiner McCarthy.) In other words, you understood clearly from what was said that you were not supposed to organize and use up company time by your union activities, is that right?

A. Yes, sir.

Q. Did you understand that?

A. Yes, we were not supposed to organize on company time.

Q. And you understood so far as he was concerned he didn't care what you did outside of the company's time?

A. That is right, that is the statement he made, he said he had no jurisdiction over what we did on the outside.

Cross-Examination (Resumed).

Q. (By Mr. Ford.) Now, you were previously a member of the American Federation of Labor, were you not, Mr. Salmons?

A. That is right, years ago.

Q. Years ago?

A. Yes.

Q. Now, when you got a report in March of 1937 from Mike Martin with respect to Mr. Cousland, what did Mike Martin tell you about Mr. Cousland?

A. Well, in the report that I got, that he was found

as a spy by the LaFollette Investigating Committee, and that he had drawn \$200.00 from January up to the present time.

Q. From January up until March?

A. Up until I got—

Q. Until he told you about it?

A. Until he told me about it.

Q. Now, did you see the report of the LaFollette Committee which purportedly found him to be a spy?

A. No, nothing really aside from the rumor, but they have it in the Committee, in their records.

Q. Is that the report which Mr. Reynolds showed Mr. Cousland while he was on the stand?

A. No, I don't think so, that is not the report that we got.

Q. Did you ever catch Mr. Cousland spying on your meetings?

A. He attended three of our meetings, I am almost sure, I don't think any more.

Q. Did you every catch him spying? Did he report anything that you did?

A. Not that I know of.

Q. So it is true, is it not, that your opinion of Mr. Cousland is based on what Mr. Martin told you?

136 A. That is, from our records, we have taken that he was a spy.

Q. Do you have a record yourself?

A. No, just from Mike Martin.

Q. And from Mike Martin's report you investigated to locate the man and found out who he was?

A. That is right.

Q. And that is all you know about his activities, is that true?

A. That is as far as I know.

Q. Do you know how much money he received?

A. I understood he got \$200.00 from January up to the time I received that information.

Q. That is what Mike Martin told you?

A. That is what Mike Martin told me.

Q. Did you ever hear that from any other source?

A. Well, no, only I was satisfied that our office—our Organizing Committee got that report from the LaFollette Investigating Committee. I don't know where they got it from, but I am satisfied they did.

Q. So that when Cousland came to you sometime later you told him you knew all about it?

A. That is right.

Q. And I take it you were glad to have him resign from your organization?

137 A. Very glad, yes, sir.

Q. Now, did you ever see any reports written by Mr. Cousland?

A. I never did.

Trial Examiner McCarthy: Keep your voice up, please.

A. I never did.

Q. (By Mr. Ford.) Do you know of anyone who ever did see any of those reports?

A. No.

Q. Did anybody ever tell you, other than Mike Martin, that the reports, if any, which he was turning in covered labor union activities?

A. No.

Q. Or similar matters?

A. No.

Q. Now, how long before Mr. Cousland resigned had Mike Martin told you as to his alleged activities?

A. How long before?

Q. Yes. How long was it between the time Mike Martin told you that Cousland was a spy and the time Cousland came to you and said, "I have a surprise for you, I am going to resign"?

A. I couldn't say just the time it was, a very short time before he came up to me. I reported it in the next meeting, and it may have been—well, it may have
138 been a month, it may have been a period of a couple of weeks.

Q. Do you know whether or not Mr. Cousland was ever responsible for bettering your rate of pay?

A. Bettering the rate of pay?

Q. Yes.

A. Not to my knowledge.

Q. You don't know that?

A. I don't know that.

Q. (By Trial Examiner McCarthy.) Did you work any place near the lathe operators?

A. I was all over the place.

Trial Examiner McCarthy: Yes, I remember now. Go ahead.

Q. (By Mr. Ford.) When you said you investigated—I believe you used the word "investigated"—Cousland with reference to those activities that Mike Martin told you about Cousland, did your investigation cover any-

thing other than simply to find out who the fellow Cousland was then so that you would know him when you saw him?

A. No.

Q. That was all?

A. That was the only thing that we investigated, to get the right man. We didn't want to accuse the wrong man.

Q. Do you know of anything Cousland ever did or said himself which would lead you to believe that he was
139 spying upon your union?

A. No, I have really never talked to the man a great deal.

Q. There is nothing that you know of along that line, is there?

A. Nothing that I know of.

Q. Do you know of any other member in your Union, in your Local in that plant, who has ever seen Mr. Cousland or observed him doing anything that would lead you to believe he was a spy?

A. Not to my knowledge.

Q. So then upon the strength of what Mr. Martin told you, and upon the strength of your investigation to be sure you found the right Cousland, you announced that he was the guilty man, and that announcement was made at a Union meeting?

Trial Examiner McCarthy: You will have to answer, the stenographer can't get the shake of your head.

A. Yes.

Q. (By Mr. Ford.) Your answer has been "yes" to all of these questions?

A. Yes.

Q. Well, I suppose this is hardly material, but do you think that was the proper way, to attempt to brand a fellow employee as a labor spy?

A. It was, because I am satisfied that our Steel Workers Organizing Committee would not mislead us; they
140 would have the right information on the man before they would come out with it.

Q. (By Trial Examiner McCarthy.) What do you call the right information?

A. They would know.

Q. So far as they knew, there was a man named John Smith, we will say, who was supposed to be a spy.

A. No, they knew, they had a report from the LaFollette Investigating Committee that he was drawing a sal-

ary from—as I get it, from the detective-association to spy; and that is the way I got it, and I take it for granted that the man is guilty.

Q. All they really did, the Steel Workers Organizing Committee, was to give the name of a man like John Smith, and say, there is a John Smith working in the Link Belt who has been named by the LaFollette Committee? That is about all they did, isn't it?

A. That is right.

Q. Your point is that you were trying to find out who John Smith was, is that right?

A. That is right.

Q. (By Mr. Ford.) Did you ever see the report of the LaFollette Committee?

A. No, I never seen it.

Q. So you don't know what the Committee's report actually said about Mr. Cousland?

A. Only what Mr. Martin said.

Q. Only what Mike Martin told you, is that right?

A. That is right.

Q. Mike Martin told you that he was reported to be a spy?

A. Mike Martin told me that he got pay from the detective association.

Q. For what?

A. No doubt spying against unions, and was found out by the LaFollette Investigating Committee. That is where the information came from.

Trial Examiner McCarthy: We will have a five minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed, gentlemen.

Mr. Ford: May I have the last question read?

Trial Examiner McCarthy: Read the question.

(Record read.)

Q. (By Mr. Ford.) Now, you were elected representative under the employees representation plan, or whatever it was called?

A. Yes, sir.

Q. You were one of the first group?

A. I was in the first group.

Q. And you were elected from time to time after that?

142 A. I was.

Q. How often were those elections held?

A. Once a year.

Q. Once a year?

A. Yes.

Q. You were a representative under that plan, were you not, at the time you started to organize the Amalgamated Association Lodge?

A. That is right.

Q. Did the fact that you had been a member of the employees representative committee affect your activities any as a C. I. O. organizer?

A. I don't understand you.

Q. Did the fact that you had been a representative under the plan affect you, particularly in your C. I. O. organizing efforts?

A. I don't see why it should.

Q. (By Trial Examiner McCarthy.) Can you answer that yes or no? Did it or did it not?

A. Well, I don't think so—no, I will say no.

Q. (By Mr. Ford.) In other words, you went about your business of organizing a different kind of a union because you thought it was a better kind of a set-up to have?

A. That is right.

Q. Do you know the circumstances under which 143 this representation plan was finally dropped or abandoned or disestablished or whatever did happen to it?

A. Well, I don't know just the circumstances; only I know that it was did away with after the Wagner Bill was declared constitutional.

Q. After the Supreme Court had passed on the constitutionality of the Act?

A. That is right.

Q. That plan was thrown out?

A. Thrown out.

Q. You spoke of there being four company representatives, and named them as Bill Peters, Marshall Fox, Heacock, and a man named Wendell?

A. Yes, sir.

Q. Now, do you know how those four men were named as committeemen on the representation plan?

A. They were elected by vote.

Q. They were elected by vote of the men?

A. By the organization, by the employees.

Q. By the employees?

A. Of their divisions.

Q. Isn't it true that they were representatives of the employees who elected them?

A. That was the intention.

Q. That was the intention?

144 A. Yes.

Q. And they were not appointed by the management?

A. They were not appointed by the management.

Q. And is it not true that the only company representative in this joint committee was Mr. Berry?

A. Mr. Berry is the general manager. I think at that time he was general superintendent. These other fellows were holding high positions in connection with the management.

Q. In connection with the management, but had been elected by the employees in their departments to serve as their representatives?

A. That is right, they were elected by the employees.

Trial Examiner McCarthy: Keep your voice, up, please.

A. They were elected by the employees.

Q. (By Mr. Ford.) Now, was there any special reason for your producing the minutes of the five meetings which you produced, which are marked Board's Exhibit 6?

A. I didn't get your question.

Q. I say, was there any particular reason for producing just the five sets of minutes which you produced and testified to here as being the minutes of certain meetings? I think they are marked Board's Exhibit 6.

A. I don't know if that is all there are, I never took care of any of them, I never kept a record of it.

145 Trial Examiner McCarthy: I think what counsel refers to is, what is the reason you happened to pick those five here which you presented?

A. They were just some we had, we turned them in to the Labor Board.

Mr. Reynolds: I can make an explanation of that. I have a large group of them, and I am willing to introduce them all.

Mr. Ford: I was curious—

Trial Examiner McCarthy: He wants to know whether—

Mr. Ford: (continuing) —because you jumped from February, 1935 to March, 1936.

Trial Examiner McCarthy: It has no direct bearing on this case except to show the historical developments of the labor relations, as I understand it.

Mr. Reynolds: That went into the organization functioned.

Mr. Ford: Except that there were other meetings and other matters covered than shown by those minutes which you have introduced. There were other meetings held than those which you have introduced the minutes of here?

Mr. Reynolds: Oh, yes.

Mr. Ford: And other matters covered?

Mr. Reynolds: Yes, regular monthly meetings, as I understand it, held right along.

Mr. Ford: All right.

146 Q. (By Mr. Ford.) Now, during these meetings you described the conversations that took place, and I think that you said Mr. Berry would say from time to time that the company was losing money?

A. That is right.

Q. Did you have any particular reason for referring to that statement by Mr. Berry?

A. Generally when the question came up for a raise, that was the statement that he would put out. He would have a bunch of papers with figures, you know, and so on, and he would say, "We are losing money, we can't afford to give an increase in wages."

Q. Do you know whether or not that was true?

A. I don't know, I don't know whether it was true or not. I don't know how they contract their jobs or their figures; I can't say, I don't know.

Q. Do you know what the profit or the loss of the Link Belt Company as a whole was for the period, or for any annual period during the time from 1933 when the plan was first inaugurated until the time it was abandoned in 1937?

A. I have no way of knowing their profits or their losses.

Q. Do you know whether they had any profits upon their operations on the 39th Street or the Pershing Road plant during that period?

147 A. I couldn't say, I don't know their profits.

Q. You don't mean to infer, do you, that Mr. Berry was not telling you the truth as to losing money?

A. I am going to clear up this one point, that that was the way that he used to let the board members know that they couldn't get an increase in wages, and I know that I realized—I am almost sure that there was a time there when these wage questions came up, that the plant might have been working pretty steady.

Now, this was so long ago, I can't remember the date.

Q. In other words, Mr. Berry simply said that as an answer to discussing with you gentlemen the question of an increase in wages, is that true?

A. That is right.

Trial Examiner McCarthy: Keep your voice up, please.

A. That is right.

Q. (By Mr. Ford.) What about these fifty silicosis cases that you mentioned?

A. I said that—

Q. When were they? When was that time that you are referring to?

A. I don't remember just when that law went into effect.

Trial Examiner McCarthy: Now, just to get this straight, I think he did testify as to the employees representation plan, and he did say, as I recall it, that now 148 there are fifty—

Mr. Ford: Silicosis cases.

The Witness: About fifty.

Trial Examiner McCarthy: About fifty.

Mr. Ford: About fifty silicosis cases.

Q. (By Trial Examiner McCarthy.) You are now testifying to the period prior to 1937 when you had the employees representation plan?

A. Yes.

Q. So what happens today, or what the condition today is at the plant has no relation to what you are testifying to, is that correct?

A. I don't know.

Q. In other words, it was immaterial?

A. I was trying to put—

Q. You were trying to give an illustration, I think, of what they were trying to explain?

A. Why the union would accomplish something which was really for the men.

Q. Well, at the time that would be the employees board?

A. That is right.

Q. (By Mr. Ford.) Now, did the employee representatives under the plan ever take up with the management the condition which might contribute to a silicosis condition?

A. Not during my time.

149 Q. Has your Union ever taken it up?

A. My Union?

Q. Yes.

A. The C. I. O.?

Q. Yes.

A. No, no, we haven't.

Q. Now,—

Trial Examiner McCarthy: Just a minute, isn't silicosis that dust that gets into the lungs?

Mr. Ford: It is a lung disease or disorder.

Trial Examiner McCarthy: It does not arise in this industry, does it?

Mr. Ford: It is very common, yes.

Trial Examiner McCarthy: In this industry?

Mr. Ford: It is common in the industry, it is something which comes from the sand, the steel and iron.

Trial Examiner McCarthy: I didn't know that.

Mr. Ford: That comes from sand and dust they use in sand blasting and making cores and other work that is done in foundries.

Q. (By Mr. Ford.) Do you know whether anything has been done by the management with the view of lessening the chances of silicosis and other similar disorders resulting from that particular industrial hazard?

A. Well, I know they have removed the foundry—150 I don't know whether it has improved conditions or whether it has not. Now, there are fellows in the foundry who could probably tell more about that than I can.

Q. Now, these fifty or about fifty silicosis case, do you know what has happened to those cases? What disposition has been made of them?

A. I know in some—in one case, where one of our members signed some kind of a contract, I don't know just what it is—

Q. (By Trial Examiner McCarthy.) With whom?

A. With the management or the company. I have never seen this contract, I am just taking his story. It is not as I know it, but as it has been told to me; that he signed this contract or agreement that he would—at his death he would get half compensation and the company would agree to give him an easy job while he remained on the books, a job that he could do, and an easy job. He was taken away—in one sense of the word, away from the machine, or whatever he might be doing.

Q. (By Mr. Ford.) Do you know whether that particular man to whom you refer was represented by counsel at the time that agreement was made?

A. No, I don't.

Q. Did your Union ever take any steps or engage in any activity looking toward litigation in connection 151 with these silicosis cases?

Mr. Reynolds: I object to that, if the Examiner please, on the ground that it is immaterial.

Trial Examiner McCarthy: I was wondering, unless counsel can point out where it is material—

Mr. Ford: I will withdraw the question. I wanted to pursue this particular reference which happened to be one of particular importance aside from this case.

Trial Examiner McCarthy: Yes, aside from this case I can see where it was important, but my understanding was when he made reference to the silicosis cases he was referring to a period of two or three years ago, and the reason why they had a union, and was giving that as an illustration. So I think it is really immaterial at this time.

Q. (By Mr. Ford.) It is true, is it not, that the Amalgamated Association and the Steel Workers Organizing Committee and other organizing committees affiliated with the C. I. O. have as one of their objectives a general forty hour or less week; is that not true?

A. Well, most all contracts which have been signed have been signed on a forty hour week. There may be some which have been signed which may have longer hours, I couldn't say.

Q. You stated that when you started to organize for the Amalgamated you knew you were going to be fired?

A. I expected to be.

152 Q. You expected to be fired?

A. Yes, sir.

Q. Now, upon what were those expectations based?

A. Because some of the applications were turned in to Mr. Berry we had out in the plant.

Q. (By Trial Examiner McCarthy.) Because of what?

A. Because some of the applications had been turned in to Mr. Berry.

Q. (By Mr. Ford.) Did you see that?

A. I never saw that.

Q. (By Trial Examiner McCarthy.) You mean after they were signed by the members?

A. No, no.

Q. Just the blank cards that were turned in to Mr. Berry, is that right?

A. Mr. Berry got the blank cards.

Q. The unexecuted cards?

A. Yes, sir.

Q. (By Mr. Ford.) Did you ever see any member hand Mr. Berry an unexecuted card?

A. No, but I was told there was some employees who had been turning them in to Mr. Berry, and I knew that—

Q. You thought that might be cause for your discharge?

A. I did, I was almost sure of it.

Q. (By Trial Examiner McCarthy.) What is the 153 relationship between your discharge and the turning in of some blank cards or unexecuted cards?

A. You see, we give these cards to different fellows that was organizing for the groups, we had groups and we were giving these cards to different parties that we thought were reliable, and they were supposed to take them home and sign them and return them back, fill the cards out.

Q. Yes.

A. And some of these cards I was told were turned in to Mr. Berry.

Q. (By Mr. Ford.) So you thought—

Trial Examiner McCarthy: I don't see where you come into the picture.

The Witness: Because I was the organizer.

Q. (By Trial Examiner McCarthy.) In other words, you were the leading spirit in this whole thing?

A. In this whole affair. I started the Union, and the party that turned the cards in no doubt turned my name in, and my name was signed to the cards.

Q. Printed?

A. No, in writing, my name was signed to the cards.

Q. Before you passed out the cards?

A. When we passed them out.

Q. (By Mr. Ford.) So therefore you fully expected to be fired?

154 A. Certainly, when I knew the cards—was told the cards were turned in there, I knew that my name was on them, and I knew I would be discharged, or I thought I would be discharged.

Q. When you went to see Mr. Bittner on September 1, 1936, what kind of an arrangement did you make with him?

A. It was not on September 1st.

Q. Along the first part of September?

A. Along the first part of September, yes.

Q. Some time in September?

A. Yes. I went to see Mr. Bittner and told him of

the working conditions we had, and I asked him if he would organize our plant.

Q. Did you tell him about the working conditions or did you tell him about the fact that you had an employees representation plan?

A. I also told him that we had what we called the company union.

Q. A company union?

A. I asked him if he would organize us.

He said he would, with our assistance, and I asked him—I said, "Well, probably some of us will get fired."

He says, "I realize that is the fact."

I asked him if he would back us up, and he said, "I will, 100 per cent."

155 Q. And he did?

A. Yes, sir.

Q. When you were fired and went to see him again he told you to go to the Labor Board, and finally you got your troubles straightened out?

A. When I was there—

Trial Examiner McCarthy: Read the question.

(Question read.)

A. I turned the case over to the Labor Board.

Trial Examiner McCarthy: Read the question and the answer.

(Question and answer read.)

A. That is right.

Q. (By Mr. Ford.) Now, when you had this meeting of your seven reliable, trustworthy men, looking toward an organization, and when you told them that you would probably have to work from the outside, what did you mean when you said they would have to carry on from the inside?

A. I didn't mean that they were going to go out and sign up applications on company time, but talk with the men and get them in position where they could sign up, use their best judgment.

Q. In other words, soften them up a little bit?

A. Why, certainly, let them know what the Union was for.

Q. How many employees did you solicit for membership before you were fired, in the plant?

A. Oh, I couldn't say, but not very many, because we only had about fifty applications at that time.

Trial Examiner McCarthy: Keep your voice up; fifty?

A. About fifty at the first meeting we had. Before we got the second meeting, I was discharged.

Q. (By Mr. Ford.) Since you have been back you have not been soliciting men, have you, in the plant?

A. Not on company time.

Q. Not on company time?

A. No.

Q. Only at noontime, and lunch periods?

A. There were quite a few during noon hours solicited, but not so much by myself, but we had quite a few up on the corner on Wentworth Avenue.

Q. That is, right outside the plant?

A. On 39th.

Q. That is right outside the gates where the men come in to work?

A. And in one tavern up there, we had a sign in the tavern that they could sign applications there, and finally the tavern man agreed or volunteered to put the sign up there, and then he came around later and told us he would have to take it down.

Q. Now, did Mr. Disser say anything to you relative to back pay when he told you to go down and ask for your job back, and that you would get it?

A. Not that I remember.

Q. Did Mr. Berry say anything to you about it, or did you say anything to him when you went back and asked for your job back?

A. No.

Q. (By Trial Examiner McCarthy.) When you say Disser sent you back to the plant to be rehired without loss, what did you mean by that?

A. Rehired without loss?

Q. That is the way I put it down here, rehired without loss.

Mr. Ford: Without loss of the benefit of pay increases, I believe he referred to.

Q. (By Trial Examiner McCarthy.) Were you paid from September 21st to December 21st? Didn't you say something about vacations?

A. That is the way he said that. Disser said, "You will go back as if you had been off on a vacation."

What I understood that he meant was that my seniority rights would be just the same.

Q. And vacation without pay?

A. Yes.

Q. With pay or without pay?

158 A. There was nothing mentioned about pay.

Q. What was the fact, did you get paid between those periods?

A. No, not for my time off, no.

Q. (By Mr. Ford.) Isn't it true if you had not been reinstated that ordinarily after being discharged you would lose your seniority rights; is that not true?

A. That would be right.

Q. But you did not lose your seniority rights?

A. I did not lose my seniority rights, no.

Q. You mean you would lose some vacation rights if you had just been discharged?

A. That is right.

Q. But upon being reinstated, you did not lose your vacation rights?

A. The vacation rights or seniority rights.

Q. Or seniority rights.

A. That is right.

Q. So the period from September to December was simply treated as a lapse or a vacation or a leave, but not as a discharge for cause?

A. No, it was a discharge, but the way he explained it to me—

Q. (By Trial Examiner McCarthy.) It was a discharge originally, but it was cured by your being
159 rehired and them treating this as if you had been laid off.

A. Yes, that is what I understood.

Q. And that is what the company understood?

A. I don't know how the company understood it, I don't know the way they understood it.

Q. Does it make much difference the way Mr. Disser understood it, but the way the company understood it, as they have to pay the bill? He does not have to pay the bill?

A. No, but he is the one who made the agreement in the matter that I go back to work. What the agreement was, I don't know. He told me of the conditions I was going to work under.

Q. He told you that was the condition under which you would go back to work?

A. Yes, sir.

Q. So far as you know they were correct?

A. So far as I know they were correct.

Q. (By Mr. Ford.) You did not lose your vacation rights, did you?

A. No.

Q. You exercised those this past year?

A. Yes, I did.

Q. And you didn't lose your seniority rights?

A. No.

Q. (By Trial Examiner McCarthy.) How do you
160 know that you didn't lose your seniority rights?

A. If I had, I wouldn't have got any vacation.

Q. That is not quite clear how that works out. I suppose you have some system, but how do you know?

Mr. Ford: I think, Mr. Examiner, that you are not entitled to a vacation unless there is a certain period of time between the date of employment and the vacation period.

Trial Examiner McCarthy: So that is how you know you kept your seniority rights?

Mr. Ford: In the event of a discharge for cause, upon being rehired, the rehired employee comes back as a new employee without any accrued rights whatever. In this particular case, your rights were carried on, is that right?

The Witness: Yes.

Q. (By Mr. Ford.) You say Mr. Conroy was with you when you talked to Mr. Berry, or was with Mr. Berry when you talked with him about coming back?

A. That is right.

Q. Do you know how long Fred Johnson has worked at the plant?

A. No, not for sure, I have an idea around four years.

Q. Now, tell me something about the duties of this man Bjork.

A. Well, he is—

Q. Waldemar Bjork.

161 A. He is an electrician, and it may be he may be classed as a helper. He has had, I guess, around ten years' experience, something like that; I wouldn't say for sure.

Q. Do you know what his classification is as a worker at the plant?

A. Well, I couldn't say what they classed him at, but he goes out on jobs by himself, does certain jobs by himself. He is not—

Q. And I believe that you testified that you did not know what his hourly rate is?

A. I don't know.

Q. (By Trial Examiner McCarthy.) He may be a helper?

A. He may be classed as a helper, but he has been there for eight or ten years.

Q. (By Mr. Ford.) Is he doing the work that you formerly did?

A. He and Fred Johnson.

Q. Together?

A. Well, they go out on different jobs. He may go out on a job by himself, and Fred Johnson may go out on a job by himself.

Q. But the two of them now do what you formerly did?

A. Not in the last week or so, they have been changed again.

Q. They have been changed again?

162 A. That is right.

Q. Do you know what Fred Johnson's classification is?

A. Well, at this time he is on construction.

Q. I mean, when he and Bjork were doing there between them the work that you had formerly done?

A. On maintenance work.

Q. Maintenance work. You don't know what his classification is?

A. No.

Q. Do you know what his hourly rate is?

A. No, I don't.

Q. Do you know what his hourly rate was when he was helping Bjork at work formerly done by you?

A. No, I don't.

Q. Now, when did this law go into effect which is commonly known in Illinois as the One Day Rest in Seven Law?

A. I don't know just when that law took effect.

Q. Was that the law that you had in mind when you said since Easter, 1937, the hours had been pretty generally uniform?

A. I said I thought that was the reason they quit working seven days a week.

Q. But you don't know when that went into effect?

A. No, I don't.

Q. How many other checks did you receive from 163 the Steel Workers Organizing Committee in addition to those received between September 21st and December 21st?

Mr. Reynolds: I object to that, if the Examiner please, on the ground that it is immaterial and irrelevant.

Trial Examiner McCarthy: What is that?

Mr. Reynolds: I object on the ground that it is immaterial how many other checks he has received from the C. I. O. other than those that he—

Trial Examiner McCarthy: Does that inquiry cover the period of the discharge?

Mr. Reynolds: No, no, it covers any period.

Mr. Ford: I am inquiring as to both before and after his discharge.

Trial Examiner McCarthy: As I understand it, all those checks which have been admitted as Board's Exhibit 9 cover the period from September 21, 1936 to December 21, 1936.

Mr. Ford: That is quite true, Mr. Examiner, and the purpose of my question, although based upon certain vouchers, it does not necessarily go the substance of his earnings, his earnings during that period, but might go to other material matters which have been raised by direct examination.

Trial Examiner McCarthy: Will you point out what the materiality is?

164 Mr. Ford: I am sorry to have to disclose it.

Trial Examiner McCarthy: But if you believe it is material, I would like to have you show me.

Mr. Ford: It is too late now, and I might as well tell you.

I am simply interested in knowing when his employment by the Steel Workers Organizing Committee first commenced, and his different collateral interests which led up to his discharge which is alleged to have been a discriminatory discharge in this complaint.

Mr. Reynolds: I am still objecting on the ground that it is immaterial.

Trial Examiner McCarthy: He has testified that he asked Mike Martin—well, I didn't intend to—

Mr. Ford: That is quite all right.

Trial Examiner McCarthy: It is clear to the Examiner.

Do you understand what he wants? Can you answer that? He wants to find out when you first started to work for the C. I. O.

Mr. Ford: That is right.

The Witness: I really never started to work for the C. I. O.; these checks were given to me—

Q: (By Trial Examiner McCarthy.) Not these checks, but other checks, when you first started working for the C. I. O.

A. Well, it was some time after I was put back 165 to work, I couldn't say just when.

Q. After you went back to work, not before?

A. Well, these checks—Van A. Bittner says, "We will give you \$15.00 a week to carry you on while you are out of work."

When I went back to work that stopped. Then Van A. Bittner changed his mind again later on.

Q. And paid you, I understand, as an organizer?

A. A part time organizer.

Q. As a part time organizer, after you went back to work on December 21, 1936?

A. Yes.

Mr. Ford: Perhaps we have made too much of a point of that. I think the witness has certainly been very frank in stating the fact, that he did engage in organization activities prior to his discharge, in the plant.

That is true, is it not?

The Witness: In the plant?

Q. (By Mr. Ford.) In the plant, prior to your discharge in September, 1936?

A. No, I didn't use any of the company's time. After I was put back to work, I worked on my machine.

Q. No, this was before, I didn't mean afterwards.

A. No, I can't say that I have taken any of the company's time in union activities at all.

166 Q. I thought you said that you had solicited some memberships out of the original fifty applications that you received.

A. I said that we had seven men with fifty applications, distributed among seven men.

Q. (By Trial Examiner McCarthy.) That is in the month of September, 1936, is that correct?

A. Yes, sir, around the middle of the month.

Q. (By Mr. Ford.) Just before you got fired?

A. Just before I got fired.

Q. And that you were going around, not running around necessarily, but that you were circulating from department to department.

A. I circulated the applications in the plant, that is right.

Q. Before you were fired?

A. I also circulated the constitution of the company union at the same time.

Q. It was right at the same time?

A. Along at the same time.

Q. Selling two different kinds of services. We will go on. Should it ever become necessary to examine further into your earnings between the period of September 21, 1936 and December 21, 1936, you would be willing, would you not, to produce any documentary evidence 167 which you are requested to produce bearing upon that subject?

A. Yes, sir.

Q. Do you hold any particular grudge against the Link Belt Company?

A. Not particularly, no.

Q. Just general?

A. No, not general, I don't have no particular grudge against the company or anybody, but I do think that the company has been unfair in a man's right to join a union of his own choosing.

Q. You joined one, did you not?

A. Yes, sir.

Q. And you were put back to work after you were discharged, were you not?

A. I was.

Q. And you are working there now, aren't you?

A. Yes, sir.

Q. And there are other union men working in the plant, are they not?

A. I can't say that there are so very many.

Q. When you made your demands upon the management to bargain with them, did you tell them at that time that you represented a majority of the employees?

A. That is right.

Q. And when Mr. Berry told you that he had recognized another group two or three days before, did you say, "We can prove that we do represent the majority"?

A. I don't remember just what took place now there in regard to that, but we were satisfied we had a majority. John Riffe was the spokesman at that time.

Q. Did you offer to satisfy Mr. Berry that you did represent a majority?

A. I don't remember.

Q. Would you be willing to satisfy him on that at this time?

A. Well, I can't say. I know that we have a majority of the cards now in the Labor Board.

Q. Well, would you—

Trial Examiner McCarthy: I didn't hear him say where he had them.

The Witness: In the Labor Board.

Q. (By Trial Examiner McCarthy.) Where?

A. In the Labor Board, these cards are now turned into the Labor Board, our application cards.

Q. (By Mr. Ford.) Why wouldn't it be the simplest thing to hold an election? You know what the law says?

Mr. Reynolds: I submit, your honor, that is immaterial. There is no such charge in this case.

Mr. Ford: If you please, Mr. Reynolds, just a minute. You brought out the request for recognition on direct 169 examination and the refusal to grant it, apparently with the purpose of showing something relating to a violation of the Act.

Mr. Reynolds: The situation changes, you know, from time to time.

Q. (By Mr. Ford.) When were you elected an officer of the Amalgamated local?

A. I was elected—I can't say just the time, but I was the first president elected.

Q. Wasn't that in the month of April, 1937?

A. I don't remember.

Q. Was that before or after you had been discharged?

A. That was after I was put back to work.

Q. After you were put back to work?

A. Yes, sir.

Q. You were elected president?

A. Yes, sir.

Q. And you have been working ever since?

A. Yes, sir.

Q. And when you asked Mr. Berry to recognize you you already knew that another union had been recognized?

A. Oh, yes, we did.

Q. (By Trial Examiner McCarthy.) You saw that on the bulletin board?

A. That is right.

170 Q. A sign on the bulletin board?

A. That is right.

Q. (By Mr. Ford.) Where did you get that sign on the bulletin board?

A. I really never got it, I don't know where it came from. It was turned in to the Labor Board by some member of our Union, but I don't know who.

Q. (By Trial Examiner McCarthy.) Was there just one copy of it or a number of them posted?

Mr. Berry: There were perhaps twelve copies on the twelve different bulletin boards throughout the plant.

Q. (By Mr. Ford.) How many meetings did you have with Mr. Berry?

A. Oh, I don't remember.

Q. As president of the Amalgamated?

A. I don't remember.

Q. But when Berry told you that another group had been recognized, who was it that made the statement, "Well, if you won't recognize us, we will take you to the Labor Board"?

A. John Riffe.

Q. He was an organizer?

A. He was an organizer.

Q. So he did take them to the Labor Board?

A. Yes, sir.

Trial Examiner McCarthy: Are these the charges 171 that were filed by Riffe?

Mr. Ford: I was just going to inquire, I don't know.

Q. (By Mr. Ford.) Are these the charges that John Riffe filed?

A. I don't know what he charged. I think probably Mike Martin would probably know more about that than I do. I know Mr. Riffe made the statement that he would file charges with the Labor Board.

Q. (By Trial Examiner McCarthy.) If you don't recognize us, is that what he said?

A. That is right. Whether he really filed those charges or turned them over to someone else to file, I couldn't say.

Q. (By Mr. Ford.) Did you talk to anybody else besides Mr. Berry and Mr. Conroy when you came back to work? I mean, anybody at the plant?

A. No.

Q. They were the only representatives of the management that you discussed your—

A. You mean coming back to work?

Q. Coming back to work with, yes.

A. Yes, certainly.

Q. Now, did Mr. Berry tell you that he would let you come back to work provided you would at all times and under all conditions in all places refrain from further labor activity or membership in any labor organization?

172 A. No.

Q. Did Mr. Conroy tell you that?

A. No, sir.

Q. Did anyone else from the management ever tell you that?

A. No.

Mr. Ford: That is all.

Cross-Examination.

Q. (By Mr. Wham.) Mr. Salmons, you were an N. R. A. representative at the time you were discharged, were you not?

A. Well,—

Trial Examiner McCarthy: What do you mean by N. R. A. representative?

The Witness: No.

Q. (By Mr. Wham.) N. R. A. union representative, I mean.

A. No.

Q. What was the position you held?

A. It was the Employees Board, it was called, not the N. R. A. Board.

Q. As far as you know that is the same sort of a thing that would be organized under the N. R. A.?

A. Well, I don't know as the N. R. A. had anything to do with it, I didn't say that.

Q. But at any rate you held a position as representative at the time you were discharged?

A. I did.

173 Q. Now, wasn't there an election after you came back?

A. That is right.

Q. Did you run for reelection?

A. I did.

Q. And what was the result of that election?

A. I think I was beaten by two or three votes.

Q. Wasn't there a tie first?

A. What?

Q. Wasn't there a tie and run-off?

A. You mean the primary election. I don't remember how the primary vote was but I know in the general election I was beaten by a very few votes. I was not interested in it, I did not care much about it.

Q. That was how soon after you came back?

A. I don't just remember what date it was.

Q. Weren't there some other C. I. O. members who were elected representatives on that board?

A. Well, there were C. I. O. members elected on that board, but maybe before that.

Q. And after that vote?

A. I couldn't say. I know there was one C. I. O. member on the board when it was done away with.

Q. And who was that?

A. Well, I don't like to state the man's name. I don't think it is fair that I should discriminate against our 174 membership in that way.

Q. You held a meeting every month, did you, of your board?

A. Once a month.

Q. And were minutes kept of every meeting?

A. There was.

Q. Now, I believe you said you sat around and talked a good deal but you never passed anything.

A. We sat around the table, something on that order. There were no motions, there was no parliamentary procedure about conducting the business, we talked about things.

Q. But there was some business transacted?

A. They taken down what we were talking about, taken it down in the minutes.

Q. The minutes show that you transacted some business? They show that you passed some things.

A. Well, they may have been passed, but there was not a motion made and seconded, not to my knowledge.

Q. In other words, you operated informally, but the minutes would show if you agreed on something, that that was the resolution that was passed?

A. A member would bring up a bill; it would probably show you brought up a bill, but making a motion, seconding the motion, voted on by the board, not to my knowledge, that was not done.

Q. E. A. Wendell, what position did he hold with 175 the company?

Trial Examiner McCarthy: In what connection is this inquiry about Wendell?

Mr. Wham: In what connection?

Trial Examiner McCarthy: Yes.

Mr. Wham: He says that Wendell was a company man.

Trial Examiner McCarthy: Is this in connection with the Independent Union of Craftsmen?

Mr. Wham: Yes. In other words, this whole case has

a point, namely, that the Craftsmen's Union is a company union. In other words, I have no doubt that the attorney for the Board after the case is over will argue that the Craftsmen's Union is just a continuation of the N. R. A. union, elected by the company.

I want to find out just how much the company had to do with the N. R. A. union.

Mr. Reynolds: If the Examiner please, I am mystified by the term N. R. A. The National Recovery Act has nothing to do with this board. The old employees board has nothing to do with the N. R. A. board that was set up at the time the N. R. A. started, but this has absolutely no connection with it.

Trial Examiner McCarthy: The participation of the Intervener shall be strictly limited to matters concerning allegations of violation of Section 8 (2) of the Act, 176 and I shall have to limit your cross-examination to that.

Mr. Wham: I want to make it quite clear to your honor and also for the record that we consider, just sitting here and listening to the evidence coming across the board, that the attorney for the Board is going to try to make the point out of the evidence that there was this old shop union, or employees union, or whatever you want to call it, which was company dominated; and when that was knocked out that then the company helped organize the Independent Union of Craftsmen and that there is a very definite connection there between the two; and if we are going to be ruled out at this time I would like to have it clearly understood in the record that the Board and the Trial Examiner are both bound to absolutely ignore any connection between the old employees union and the present Independent Union.

Mr. Reynolds: If the Examiner please, I might state I have no objection to any question that counsel might want to ask about the old employees board.

Trial Examiner McCarthy: Nevertheless, the cross-examination will be strictly limited to cross-examination on matters concerning alleged violations of Section 8 (2).

Mr. Wham: What is the ruling on my question?

Trial Examiner McCarthy: The Examiner feels that it does not directly bear on a violation of 8 (2).

Mr. Wham: Does the Examiner feel that it indirectly bears upon it?

Trial Examiner McCarthy: I am not prepared to say. It is possible that it does indirectly bear upon it.

Mr. Wham: You can understand, can't you, that it places us in a position where our rights are not being protected if we can't examine the witnesses on the points which may be later raised against us.

Trial Examiner McCarthy: In this proceeding?

Mr. Wham: Yes.

Trial Examiner McCarthy: The Examiner will permit questions upon the section referred to, on any matters directly bearing upon that, but this does not appear to be material.

Mr. Wham: There are only two points in this whole case that I can see; one is the question of company unionism, the other is the question of the discharges.

Trial Examiner McCarthy: This is off the record.

(Discussion off the record.)

Trial Examiner McCarthy: On the record.

Q. (By Mr. Wham.) Now, Mr. Salmons, who is E. A. Wendell?

A. Well, he works in the office, he is an engineer. I can't say what his title is. I think he is some kind of a sales manager, of some kind, I can't say.

Q. Whereabouts in the office does he work?

A. In the factory office.

Trial Examiner McCarthy: He has not been mentioned in this case so far.

Mr. Wham: Yes.

Trial Examiner McCarthy: I don't recall the name.

The Witness: In the office right across from the plant; in the main office, the plant main office.

Q. (By Mr. Wham.) You say he is a sales engineer?

A. He is an engineer, I can't say whether he is a sales manager or what, but I know he has something to do with the selling end.

Q. Does he have any employees working under him?

A. Not to my knowledge.

Q. You don't know whether he has a title or not?

A. I don't know, only I know he is an engineer. I understand he does a lot of selling. As I understand, he is head salesman, some kind of sales manager, a salesman of some kind.

Q. You understand that, but you don't know?

A. I don't know.

Q. He was elected by popular vote, wasn't he, in his department?

A. To my knowledge, yes.

Q. Do you know whether the election was an different

in his department, as to Mr. Wendell, than it was in your case?

A. No, I don't know.

Q. You assume it was the same, don't you?

179 A. I have an idea it was.

Q. Did the company have anything to do with your election?

A. Well, they—not that I know of. All I know of that they had to do with it was they furnished a time keeper to go around and gather up the votes. They had a box and they would go around, and each man would stick his vote in the box of the time keeper, who would go around. As I understand, these men were appointed by the board.

Q. What was that last?

A. These fellows that carried the box around were appointed by the board.

Q. Do you mean the people that counted the ballots?

A. The people that counted the ballots, and the people also that went around and gathered them up.

Q. They were appointed by whom?

A. By the board.

Q. By what board?

A. The Employees Board.

Q. (By Trial Examiner McCarthy.) Not by the company?

Q. (By Mr. Wham.) Not by the company?

A. No, no.

Trial Examiner McCarthy: He is asking what the company had to do with it.

A. I don't know that the company had anything to do.

Q. (By Trial Examiner McCarthy.) They did not have anything to do with it?

A. No, not in that stage.

Q. In other words, the company didn't have anything to do with it?

A. No, I can't say the company didn't have nothing to do with it. The company really organized the whole thing, it started it.

Q. (By Mr. Wham.) I don't know anything about how it was started, but after it was started did the company put up its own men for election and electioneer for them, tell the employees how to vote?

A. Well, they had no doubt people that did electioneer through the plant. I don't say that the company men did

it in a way, but their assistants probably have had something to do with it. Of course, I can't say it to be a fact.

Q. You don't know, it is just a surmise on your part?

A. Certainly.

Q. You don't have any definite information on that. Did they permit the employees to have free right to vote for their selection for representatives?

Trial Examiner McCarthy: You can answer that yes or no, can't you?

A. Yes.

Q. (By Mr. Wham.) Yes. That is as far as you know?

A. That is as far as I know, yes.

181 Q. This fellow Heacock, what position did he have with the company?

A. Electrical engineer.

Q. Was he an officer of the company?

A. Well, he has a job as an electrical engineer. I think he has an assistant under him, maybe two or three, I don't know.

Q. Did he have at that time?

A. I don't know whether he—I think he did have an assistant. I don't know how many, or whether he only had one or not.

Q. Are you sure that Marshall Fox was a foreman at the time?

A. I am sure he was a foreman in the stock room. He was either a foreman in the stock room—I am almost sure he was, or he was a foreman in the planning room, that is, when they first started organizing.

Q. You say you belonged to the A. F. of L. at one time?

A. Quite a few years ago.

Q. Isn't it true that they took in foremen?

A. The A. F. of L.?

Q. Yes.

A. Well, they have in later years. In some groups they probably do, in other groups, maybe not.

Mr. Wham: Now, Mr. Examiner, first of all I would like to ask the attorney for the Board—as I read the complaint, there is no contention that the C. I. O. is claiming the right to be certified here, is that right?

Mr. Reynolds: Apparently.

Mr. Wham: Is there any intention on the part of the Board now to amend the complaint before the end of this proceeding?

Trial Examiner McCarthy: I think you are anticipating, I don't know. We are limited as it stands by the complaint.

Q. (By Mr. Wham.) Mr. Salmons, on the two times that you went in to see the management in April 23rd or 24th and a few days later, what unit were you representing at that time?

A. What union?

Q. What unit? What unit of the plant was affected?

Mr. Reynolds: If the Examiner please, I object on the ground that it is immaterial, that there is no such charge.

Mr. Wham: I would like to point out that on direct examination he brought out the fact that he did go in and ask for recognition, and they were not recognized, and he filed a complaint because the company stated that they had already recognized somebody else.

Trial Examiner McCarthy: Objection overruled. You may answer.

The Witness: What is your question?

183 Trial Examiner McCarthy: Read the question, please.

(Question read.)

A. I was representing the union, the C. I. O.

Q. (By Mr. Wham.) Well, I mean for what unit?

A. Well, we were representing the majority of the men at that time.

Q. (By Trial Examiner McCarthy.) Now, here is the question:

Were you representing just certain divisions or the whole plant?

A. The whole plant, that is, the shop, not the office.

Q. (By Mr. Wham.) That is, you represented everybody but the office, is that right?

A. No, not the foremen or the assistant foremen.

Q. I mean—

Trial Examiner McCarthy: The supervisory employees.

Q. (By Mr. Wham.) All except those fellows?

A. Yes.

Q. You claimed you represented everybody but the office, is that right?

A. And the supervisory department.

Q. Yes, leaving the supervisors out.

A. Yes.

Q. You claimed to represent everybody who could join your union, excepting the office, is that right?

A. That is right.

184 Q. You claimed you had a majority at that time?

A. We did.

Q. How many did you have?

A. We had 419 cards.

Q. You mean signed?

A. Signed cards.

Q. And by employees working there?

A. By employees working there in the plant.

Q. At the 39th Street plant?

A. At the 39th Street plant.

Q. How many employees were there eligible to join your union at that time in that unit?

A. As near as I can check it, there were 700. That is, not at that time; when things were going good. We figured they put on about 150 men since the time that we asked for the recognition.

Q. On either one of these occasions that you went in to see Mr. Berry did you have your cards with you?

A. No.

Q. Did you offer any proof at all?

A. He never asked for any proof.

Q. What was it you told him?

A. We asked for recognition and he told us he had recognized one union and he couldn't recognize another. We told him that we believed that we were in the majority.

185 Q. You told him that you had a majority?

A. Yes.

Q. How long did that conversation last; that is, the first one and the second one?

A. Oh, not so very long, I don't know just how long.

Q. Was that all that was said? You went in and through your spokesman you said we want to be recognized, and Mr. Berry said, "I have already recognized one union, I can't recognize two"?

A. That is right.

Q. And you got up and left, is that right?

A. That is right, we got up and left, and the next thing was for us to report to the Union representative what had taken place.

Q. The next time you went in the same conversation occurred, is that right?

A. Practically the same thing, only we had Mike Martin and John Riffe with us at that time. I think one of those two men made an appointment for us, I don't just

remember, but I think one of them made the appointment, or maybe we made the appointment.

Q. You say your cards are down to the Labor Board now?

A. They are.

Q. How long have they been down there?

A. Oh, quite a while, I don't know just how long.
186 We turned in 419 cards there, and they are still down there.

Q. Do you contend that you have a majority at the plant now?

A. I think so, according to our cards we have. We figure our members were still in good standing.

Q. Are they all in good standing?

A. Yes.

Trial Examiner McCarthy: Mr. Wham, there is no complaint under Section A, Subdivision 5. I would like to give you all reasonable leeway possible, but—

Mr. Wham: I just wanted to find out what this witness thinks the case is about or what the facts are.

Trial Examiner McCarthy: I suggest that this hearing is the place to find out then. The complaint is for that purpose.

Mr. Wham: It was stated by the attorney for the Board this morning that he could be expected to amend his complaint in one respect.

Mr. Reynolds: Until I do you should not be worried.

Q. (By Mr. Wham.) You have solicited memberships in the C. I. O. in the shop, haven't you?

A. I have.

Q. And you have done that during working hours, haven't you?

A. I wouldn't say that I have signed anyone during working hours. I have passed by and handed out some blank cards for them to take home and sign and return back to me at some time. I did that same thing for the employees board. I was allowed to when we were representatives on the employees board, to stop and talk to anyone who had any grievance. We were allowed to pass these constitutions out as a representative, and I figured I had a right to represent the men as I chose, not as the company chose.

Q. A part of your idea of how you had to represent them was to hand out C. I. O. literature, wasn't it?

A. Yes, I probably have passed out a few cards, yes.

Q. And some notices of meetings and things of that sort?

A. No, no, not on the company's property.

Mr. Wham: That is all.

Trial Examiner McCarthy: We will have a five minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: Are you through with this witness?

Mr. Reynolds: I have some questions.

Mr. Ford: May I ask one question, Mr. Examiner, which I apologize for having overlooked?

Trial Examiner McCarthy: Proceed.

Recross Examination.

Q. (By Mr. Ford.) I meant to ask you, Mr. 188 Salmons, whether you had filed any charges with the

Labor Board or had authorized anyone to file them on your behalf between December 21, 1936 and the time of the filing of the charges upon which this complaint is based?

A. The rule of our organization is charges for the Union are to be through a union representative.

Q. I am speaking with respect to your own case.

A. He may have filed certain charges for certain phases of the case, I don't remember.

Q. What I am trying to get at is whether between the time you went back to work—first you went down to the Labor Board and talked with Mr. Disser, you remember that, in September, 1936. Then you came back to work. He told you to come back. Apparently he had some agreement with the company. You remember that testimony. You remember that testimony, don't you?

A. I remember from the time I went back to work—you mean to say, did I file any charges then?

Q. Yes, that is right?

A. In that period of time?

Q. (By Trial Examiner McCarthy.) Since you went back to work.

A. Since I went back to work?

Q. (By Mr. Ford.) Yes.

A. I don't remember, it may be that I have, but 189 I don't remember.

Q. And if you had, you would know when you filed them?

A. No, I don't know.

Q. If anyone filed them on your behalf, do you remember having given any such authorization to anyone?

A. No, I don't.

Mr. Ford: That is all

Redirect Examination.

Q. (By Mr. Reynolds.) When you were reinstated, did you have the idea that you were still entitled to back pay?

A. I did.

Q. Did your Union representative understand that that was your idea about it?

A. I think they did.

Q. You talked to him about the matter?

A. I talked—I asked Mr. Bittner if I would get my back pay, and he said he didn't see any reason why I would not.

Q. Now, before you were discharged on September 21, 1936, did you receive any warning or reprimand from any supervisory official because of any union activity you might be engaged in?

A. No.

Q. Did the work that you were doing in passing out cards interfere in any way with your regular duties?

A. No.

190 Mr. Reynolds: That is all.

Recross Examination.

Q. (By Mr. Ford.) Do you know what agreement was reached between the company and the National Labor Relations Board, particularly Mr. Disser, with respect to your coming back to work in December, 1936?

A. Only what Mr. Disser told me the day that he called me in his office and told me to go back and ask for my job.

Q. That is all you know?

A. That is all I know.

Mr. Ford: That is all.

Trial Examiner McCarthy: Is that all?

Mr. Ford: Just one more question, pardon me.

Q. (By Mr. Ford.) Did you say you had never been

warned about your activities in the plant before you were discharged?

A. I never was, until I was discharged.

Q. Do you remember being at the sand slinger when Mr. Berry talked to you about your conduct, prior to the time that you were fired?

A. About union activities?

Q. About your conduct which led up to your discharge?

A. No, sir, I do not.

Mr. Ford: That is all.

Mr. Reynolds: That is all.

Examination by the Chair.

191 Q. (By Trial Examiner McCarthy.) Let me get this straight.

On December 21, 1936, as I understand it, Mr. Disser of the Region office of the National Labor Relations Board sent you back to the plant?

A. Yes.

Q. And he said in substance, watch your step because if they get anything on you they will fire you for good this time?

A. Yes.

Q. That is, in substance?

A. Yes.

Q. Did he tell you that you were being rehired without loss of your seniority rights? And vacation rights?

A. He did.

Q. Now, pursuant to Mr. Disser's suggestion, you went back to the plant and went into the office, and Mr. Berry was there and said, "I want a witness", so he got Mr. Conroy, is that right?

A. That is right.

Q. You said, "I want my job back?"

A. That is right.

Q. Did he say, "Go upstairs, no more running around the plant"?

A. He did.

Q. And no more organizing inside the plant?

192 A. He said there would be no more organizing.

Q. He said there would be no more organizing inside the plant?

A. No, no; no, he said there would be no more organizing. I said there would be no more organizing in the plant, but we would outside the plant.

Q. That "inside the plant" then is not correct; Mr. Berry did not say "inside the plant"?

A. No, he said there would be—I said there would be no more organizing in the plant.

Q. But you said there would be plenty outside?

A. Outside.

Q. In other words, Mr. Berry, from what I understand of the testimony, told you that there would be no more organizing, and you understood him to mean that there would be no more organizing inside the plant?

A. I understood just what he said, that there would be no more organizing.

Q. Then you replied to him and stated, "there will be no more organizing inside the plant, but there will be plenty outside the plant"?

A. Yes.

Q. There was a meeting of the minds there. You understood what he meant and he understood what you meant.

He said in substance, you can have your job back if 193 you don't organize on company time in the plant?

A. No.

Q. Is that the explanation?

A. No, I took it that he meant that I could go back to work but there would be no more organizing inside the plant or outside of there.

Q. Out of the plant?

A. That is what I thought he meant, and that is why I said what I did.

Q. He gave you a job anyway. If your understanding was correct, it would seem to the Examiner, Berry would understand no organizing the plant, but you can organize outside the plant. It would seem that way to the Examiner, because of the fact that he gave you a job.

A. He said he had no jurisdiction over what we did outside.

Q. But you did understand that he had jurisdiction of your time that the company paid you for inside the plant?

A. Yes.

Q. Here is a second amended charge on file which says on "December 21, 1936, the company reinstated Louis Salmons." That is you?

A. Yes.

Q. Upon the express promise—I am interpolating here now—that you—then it goes on and says, "Would not engage in union activities." Is that what happened there?

194 A. I agreed not to do any more organizing.

Q. Inside the plant?

A. Inside the plant, but I didn't agree not to do any outside.

Q. I can understand that. That seemed clear to both sides. He apparently understood the same thing, and therefore he put you back.

A. I didn't understand he was putting me back, I understood that the Labor Board put me back. Disser told me that I should go back out there and ask for my job.

Q. Didn't Disser say watch your step?

A. Yes, he told me to watch my step.

Q. Yes.

A. He says, "If they get anything on you, they will kick you out."

Q. Yes.

A. That means if I laid down on the job, or did something that they had reason to fire me, they would fire me. Of course, I have no doubt they would have done that a long time ago if they could.

Q. Do you understand among the things they could fire you for was if they paid you for eight hours' work as an electrician, that does not mean half an hour's work and carrying on personal activities. You understand that, don't you?

195 A. Yes, but at the same time when I was representative I had that right, to talk to the men.

Q. Yes, when you were on the board.

A. Yes.

Q. Were you still a representative on the board when you were rehired?

A. No.

Q. You were out then?

A. I was out.

Q. So any work of that nature that you did was not for the employees plan or the employees board?

A. No, no. You see, as I was elected to represent the men, my duty was to represent the men, not represent the company.

Q. That is right.

A. I took the stand that I would represent them.

Q. That is right.

A. And when I couldn't represent the men properly through the employees board, I took other steps to represent them. Now, we were allowed to talk to any man

having a grievance when I was on the employees board. We passed out those books with the constitution.

Q. That was before you were fired?

A. That was before I was fired.

Q. Then in the meantime somebody else was elected to take your place on the board?

196 A. Yes.

Q. So when you came back you didn't have that right?

A. I didn't have that right.

Q. Well, in what respect did Berry ask you to refrain from further union activity?

A. After the—

Q. No, at the time, this time that he saw you.

A. That is the only time.

Q. The complaint is you were hired on condition that you would refrain from further labor union activity or membership in a labor organization.

A. I think you have got somebody else there. Is that mine?

Q. That is Louis Salmons. That is, the company, "by its officers, agents and employees, on or about December 21, 1936, did reinstate Louis Salmons to his former position in the plant, and on or about January 13"—we will skip that, that relates to another name—"on condition that said Louis Salmons"—with another man, then they have another man—"at all times, under all conditions, and in all places, would refrain from further labor union activity or membership in labor organizations."

A. No, I don't remember anything about that at all.

Trial Examiner McCarthy: Have you any questions to develop that a little further?

Mr. Reynolds: I don't see the purpose of all this. 197 We have the man's testimony in the record of what transpired, what he was told when he came back. We have his testimony of what he was told when he came back, and that he was discharged for union activities. I don't see the significance of this.

Trial Examiner McCarthy: It says that they reinstated Louis Salmons and Joe Novak, and they were to refrain from further union activity.

Mr. Reynolds: We have his statement that he gave, what he was told when he came back. I submit that is susceptible to the construction he gave. He said there was to be no more organizing, and he did not qualify that sentence.

Mr. Ford: He did qualify the sentence by the sentence which follows, Mr. Salmons' sentence, which is Berry's statement, that he did not have any jurisdiction over what they did outside the plant.

Trial Examiner McCarthy: And the witness said there would be plenty of organizing outside the plant.

That is all.

Mr. Reynolds: That is all.

(Witness excused.)

Mr. Reynolds: At this time I move to amend the complaint in paragraph 8 of the complaint so that it shall read as follows:

"Respondent, by its officers, agents and employees, 198 on or about December 21, 1936, did reinstate Louis

Salmons to a different position in the plant, in which the said Louis Salmons worked a fewer number of hours than prior to his said discharge, and also fewer hours than other employees who performed similar work before his discharge and after his reinstatement; and on or about January 17, 1937, did reinstate Joseph E. Novak to his former position in the plant on condition that the said Louis Salmons and Joseph E. Novak and each of them at all times, under all conditions, in all places, would refrain from further union labor activity or membership in a labor organization."

Mr. Ford: Mr. Examiner, I object to the proposed amendment on two grounds. First, that it is not timely. I will not argue that point at length.

Secondly, that it does not conform to the proof of the witness Salmons so far as the proposed amendment relates to Salmons, and therefore cannot be said that it relates to the form of the proof.

Trial Examiner McCarthy: The Examiner will reserve decision.

Off the record.

(Discussion off the record.)

199 Mr. Reynolds: In view of the question raised to the form of the amendment I think I shall ask to submit in somewhat different form the amendment which I have just read.

Trial Examiner McCarthy: Can you give us copies so that we might study it?

Mr. Reynolds: Yes.

Mr. Novak, please.

JOSEPH E. NOVAK, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Trial Examiner McCarthy.) What is your name?

A. Joseph Novak.

Q. What is your address?

A. 5002 South Justine Street.

Q. (By Mr. Reynolds.) Are you employed by the Link Belt Company?

A. Yes, sir.

Q. How long have you worked there?

A. Oh, about eleven or thirteen years, off and on, that is, with the leave of absence that I took a couple of times.

Q. What department are you in?

A. I am in D. K. Department, the crane department.

Q. And have you worked continuously in the crane 200 department?

A. Well, ever since I have started I have worked —well, when I started working we had D. M. C. That took in the crane department, but later on they changed over and built a new shop across the street and named it D. K. and had the crane department working there in D. K.

Q. Are you a member of the Amalgamated Association of Iron, Steel and Tin Workers?

A. I am.

Q. The C. I. O. Union?

A. I am.

Q. When did you join?

A. About a week after the Wagner Bill was constitutional.

Q. (By Trial Examiner McCarthy.) When was that date?

A. I couldn't tell you, but I know it was about a week after.

Q. In the spring of 1937?

A. I suppose it was. I imagine it was around April, when it was. I know it was a week after the Wagner Bill passed.

Q. (By Mr. Reynolds.) Prior to that time had you

engaged in union activities before you joined the C. I. O. Union?

A. Not in the company, not in the plant.

Q. Now, did you work continuously for the Link Belt Company during the years that you have been there?

A. Well, up until the depression, and then we only worked about three days a week, and I took a leave of absence. I was off; I should say—I don't know, a year, something like that, I don't remember.

Q. Are you acquainted with Mr. Salmons, the president of the C. I. O. Union?

A. I am.

Q. Were you working at the Link Belt Company at the time that Mr. Salmons was discharged in 1936?

A. I was working until the same day, until he got discharged. I was discharged the same day that he was.

Q. (By Trial Examiner McCarthy.) You say you were discharged the same day?

A. The same day Mr. Salmons was.

Q. (By Mr. Reynolds.) Had you been associated with Mr. Salmons in his work of attempting to organize the plant?

A. No, sir.

Q. What were the circumstances surrounding your discharge?

A. When I was discharged?

Q. Yes.

A. Well, one of the assistant foremen by the name—I think Charlie Sellars, approached me on September 21st—

Q. How do you spell that, S-e-l-l-a-r-s?

A. Correct, Sellars, and he told me that Mr. Berry wanted to see me in the office.

And I says, "What for?"

202 He says, "I don't know, I just came from there. He wants to see you."

Well, I got in the office and Mr. Berry says, "Take a seat, Joe."

Well, before I took the seat Mr. Berry says to me, "I understand, Joe, that you are an organizer and instigator for a union."

And I says, "Well, that is the first I hear from you, that I am an organizer or instigator for any kind of a union."

And Mr. Berry says, "Well, you are."

I says, "Well, I don't know why you know about my being an organizer, I don't know anything about it."

Then Mr. Berry says, "I will give you half an hour to get out."

He said, "I don't want you around here if you are organizing or instigating a union."

I says, "I am getting no chance at all."

He says, "You ~~are~~ an organizer and instigator, and that is all there is to it."

All right, then, I think I was excited, it caught me off—I was so surprised that I—I didn't have anything to do with it—that all I could say was, "Thank you", and walked out.

Q. What did you do after you walked out?

A. Well, I went back to the dressing room to get 203 my clothes and tools together, and got out as quick as possible, just like I was told.

Q. Did you talk to anyone before you went out?

A. Absolutely not. Everybody started asking me up in the lockers, but I never mentioned a word. I couldn't as much as say boo.

Q. Following your discharge, what did you do?

A. Well, about two or three weeks after my discharge—I don't know whether I contacted Louis Salmons, he found out—well, somebody met me out in the street and told me, "Do you know that Louis Salmons was fired?"

I says, "No."

That was the first I knew about him, because I was not interested at that time. I knew I didn't have nothing to do with it, see. I didn't know what it was yet.

So I contacted Mr. Salmons, or he called me up, and says, what am I going to do about it, that I was fired.

I says I would like to do something about it, if I knew what to do.

He told me, "Well, you can go down to the Labor Board and tell them your story, and see what they tell you over there."

Well, I finally went down to the Labor Board.

Q. (By Trial Examiner McCarthy.) You mean the Regional office?

204 A. The Regional office of the Labor Board, and saw a party by the name of Mr. Disser. I told Mr. Disser my story, and Mr. Disser told me—well, he would see what he could do about it, about putting me back to work.

I told him I didn't see any reason for me to be fired as long as I didn't have anything to do with the C. I. O., and I would like to be put back to work.

Q. (By Mr. Reynolds.) Then what happened?

A. Well, I was to Mr. Disser's office about two or three times, I think, and he told me—well, he was trying to put me back to work, but he couldn't. So along in January, I think it was in January, I was over there.

Q. Over where?

A. Over to the Labor Board.

Q. (By Trial Examiner McCarthy.) January of what year?

A. 1937. And Mr. Disser says to me, "Well", he says, "The only thing I can do for you is to go back and ask for your job back. You ask Mr. Berry to give you your job back."

So I thought to myself—I thought at the beginning if I went to the Labor Board Mr. Disser would say to me, "Go back, you have got your job back." But he says to me, "You will have to ask for your job back, that is all I can do for you."

Well, that didn't seem so very good to me, but I had to work, I had to throw my pride out the window and go back and ask Mr. Berry for my job back. That was around—I can't tell you the exact date, but it was January, but whether it was the 13th or 14th, or the 20th, I don't know, I didn't take that date down.

And I come into Mr. Berry's office, and I asked Berry for my job back.

Q. (By Mr. Reynolds.) Was anyone else present at that time?

A. At that time, no, I don't think there was.

And Mr. Berry says to me, "Well, what do you want your job back for, Joe, to organize back here now?"

I says, "Mr. Berry, I still claim that I was no organizer, I was no instigator of no union whatever around this company." I did belong to a Firemen's Local when I worked for the Board of Education, that is, the American Federation of Labor. And I belonged to a Musicians' Union, I think it was before I have worked for the Link Belt Company. That is not a Federation affiliate, it was the American Musicians Union. I think it was not incorporated, or incorporated, whatever it was.

And I says, "I don't want to be involved in too many unions, so I didn't have anything to do with the C. I. O."

And Mr. Berry says to me, "Well, I can give you your job back, but under one condition only." He says, "Do you think I want to hire back a man that would come over

here in this company and instigate or carry on any-
206 thing about the C. I. O. union or unions, and when he gets through working goes outside and solicits the membership for any kind of a union, and while he is on a strike or anything like that talk to the men and solicit membership?"

He says, "I don't want to hire a man like that."

Then I told him that I was not doing anything of the sort and I didn't see any reason for me to promise not to solicit or anything like that, because I was not doing it when I got fired, so why should I have to make promises like that.

So Mr. Berry says, "You know the way it is."

He says, "There is a man around here", he says, "Joe, you are all right, you have been a good fellow all of these years, and all, and I would like to have you back, but not as an organizer of any kind or anything like that."

Well, just then I couldn't make up my mind whether I wanted—I still thought that in his mind I was guilty of organizing when he fired me, and I didn't want him to think that I was guilty when he fired me, I was guilty of any organizing or instigating of a union in the Link Belt Company, so I didn't want to agree with Mr. Berry on them conditions.

Q. Did you say anything more to him?

A. Well, we were talking about the unions in general, and I spoke of being in the Musicians Union.

Q. Did you talk about strikes?

207 A. Oh, yes, there was—at that time I think there was a strike in Detroit, I think there was the G. M. plant, the General Motors plant in Detroit, and other strikes in Detroit.

Mr. Berry says to me, "Unions don't do no good, that is just what they bring on, strikes."

And then he was—well, I can't carry the direct conversation of it, we were talking there for a while.

Q. (By Trial Examiner McCarthy.) Just give the substance in your own words.

A. And he was telling me that he didn't want to have no union running his place and that—

Q. (By Mr. Reynolds.) Can you remember anything more that he said?

A. Well, I just can't.

Q. Did you go to work that day?

A. No, I couldn't make up my mind as to whether I wanted to go back under them conditions or not.

Q. And thereupon you left the plant?

A. Then he told me, "Well, you can come back Monday or Tuesday."

And I think that was on a Thursday, I am not sure, and that I should come back Monday or Tuesday, which I think I did. I think it was Tuesday.

Q. (By Trial Examiner McCarthy.) Do you know what date that was about?

208 A. No, I don't know. The only way I could find out is when I started back to work.

Q. You don't know when that was?

A. I don't know when that was.

Q. I would like to get the dates, you know, accurately.

A. At that time I just didn't get the dates down.

Q. (By Mr. Reynolds.) It was in January, however, wasn't it?

A. That was in January.

Q. And when you came back the second time what was said, and who to?

A. When I came back the second time Mr. Berry was in the office, so was Mr. Conroy.

Q. And what was said?

A. Well, I come into Mr. Berry's office, and told Mr. Berry, "Well, I agree to your conditions, I come back for the job."

And Mr. Berry says, "What kind of conditions are they?"

And I says, "Well, we spoke of them, and I promised that I won't organize or anything like that", I says, "if I get my job back."

"Well", he says, "You can go to work"; and that is the condition that I took to go back to work.

Q. You went back to work, Mr. Novak, you say?

A. Yes, sir.

Q. Did he say anything then about the type of activity that you were not to engage in?

209 A. Well, he told me I would not be able—that is, I was not supposed to organize, he didn't want a man organizing or standing around the corners soliciting membership of the employees, he didn't want a man like that, see. I promised him, of course, that I wouldn't do anything like that. Of course, I was not doing it in the first place.

Q. Did you go back to work that same day?

A. I think it was the next day, I am not sure whether it was the same day—no, it was the next day.

Q. Did you go back to the same job that you had back in September?

A. Absolutely, absolutely the same job.

Q. Now following your reinstatement in January you did not join the C. I. O. until April following, is that right?

A. Well, I joined the C. I. O. a week after the Wagner Bill was constitutional. I kept up with my promise until that time.

Q. Do you recall when the Independent Union of Craftsmen started in the plant out there?

A. Well, I think it was about a day after the Wagner Bill was termed constitutional. That is when I think it was, I don't know the exact date.

Q. Were you solicited for membership in that union?

A. Well, I was.

Q. By whom?

210 A. Well, by a party by the name of Joseph Zeske.

Q. Now, was this solicitation on company premises?

A. Yes, sir.

Q. Was it during working hours?

A. Yes, sir, it was.

Mr. Wham: Can we have the witness testify, Mr. Examiner?

Mr. Ford: I think I would like to join in the objection. Counsel for the Board is pretty continually leading this witness.

Trial Examiner McCarthy: You may proceed.

Where was it, where did it take place, where did Joe Zeske ask you?

A. Well, I worked inside of a crane outside of the plant where we store our cranes, and I think there was two other men in there working on something, and Joe Zeske came inside the crane and says, "Well, do you want to join a company union?"

I says, "Well, as long as it is a company union", I says, "I will join it."

So I wrote my name down. There was another party in there and he didn't want to sign, and I think the other fellow did sign. I don't know his name, he was a welder there.

Q. Were you working at the time?

211 A. I was working at the time.

Q. Did you see any further activities on his part around the plant?

A. Yes, sir, I have seen further activities of his, going around the plant with that list.

Q. That is, before or after you signed up?

A. After I signed.

Q. (By Trial Examiner McCarthy.) What did you see, and when, as far as you can remember?

A. Well, I have seen him approach the fellows with the list to sign. What he said, I don't know. All I could see was to see him from a distance, or something like that. When he came around he would probably be ten or fifteen feet away from me. I didn't care to see the list or what happened.

Mr. Ford; I object to that.

Mr. Wham: I move that it be stricken.

Trial Examiner McCarthy: Overruled.

Q. (By Trial Examiner McCarthy.) What time did this occur, about?

A. Well, after that Wagner Bill—

Q. How long after that, identify the time approximately.

A. Well, a day or so after.

Q. (By Mr. Reynolds.) Was that before you joined the C. I. O.?

A. That was before I joined the C. I. O., yes, sir.

212 Q. Do you remember what appeared on this sheet of paper which he handed you to sign?

A. No, I don't.

Q. Now, did you see anyone else besides Mr. Zeske doing this type of thing, solicitation?

A. No, not with a piece of paper that he walked around with, no, I didn't see anybody else with that.

Q. Well, did you overhear anyone else soliciting for the Independent Union of Craftsmen?

Mr. Ford: Mr. Examiner, I still would like to object to the continual leading of the witness. After all, I think it is only fair that the witness be permitted to testify.

Trial Examiner McCarthy: You may have a blanket objection to this line of questions.

Mr. Ford: I do not object to the substantive portion of it, but merely to the manner in which the questions are asked.

Trial Examiner McCarthy: Under the circumstances I think that is the only way that we can get at the information.

Q. (By Mr. Reynolds.) Did you see other people soliciting besides Zeske?

Mr. Wham: He answered that, he said "no".

The Witness: Not with that sheet, no, but I did see, after

they had the cards printed, or something like that,
213 the pledge cards, or whatever they were, to join that
union after that, that is to say, three days, maybe three
days or a week, I don't know how long after that—but Joe
Zeske, I didn't see Joe Zeske approach anybody with the
cards; that I didn't see.

Q. (By Mr. Reynolds.) Did you see others approach
them?

A. I seen a party by the name of Edward Jamison.

Q. Who did you see him approach?

A. Well, I seen him approach fellows and talk to them,
and I knew he had the cards because I would see him have
them in his hand. I couldn't go over there and find out
whether they joined or just what they did.

Q. What time in the day was this?

A. Well, say, in the morning or in the afternoon.

Q. Was it during the lunch hour?

A. No, not during the lunch hour.

Q. (By Trial Examiner McCarthy.) Was it during
working hours?

A. During working hours, yes, sir.

Q. (By Mr. Reynolds.) What was your rate of pay at
the Link Belt Company at the time you were discharged
on September 21, 1936?

Mr. Ford: Mr. Examiner, at this point I would like to
raise this point: From the witness' own testimony he was
not engaged in union activities at the time he was dis-
214 charged, therefore this is utterly immaterial, if he was
not discharged for any such activity.

Mr. Reynolds: Is that right?

Trial Examiner McCarthy: Is that an objection?

Mr. Ford: Yes, I will argue it, if Mr. Reynolds wants
me to, and if you care to hear it.

Trial Examiner McCarthy: Is that an objection?

Mr. Ford: I don't know what you call it. I am unpre-
pared to name it at this point. My objection is that if he
was not by his admission engaged in union activities he
obviously could not have been discharged for that. If he
was not discharged for union activities, he is not entitled
to back pay under such a state of facts. If he is not en-
titled to back pay, what his rate of pay was does not make
any difference. That is all I have in mind.

Trial Examiner McCarthy: The objection is—

Mr. Ford: Now, there may be some evidence that counsel
can adduce, that he was reinstated under a set of condi-

tions that were unlawful; but the Act does not provide, nor do any of the reported decisions provide that though the man may have been discharged under some mistaken notion that that violates the Act.

Trial Examiner McCarthy: The mistake was not a mistake of the witness, according to the testimony.

Mr. Ford: A mistake on the part of the management, Mr. Examiner.

Trial Examiner McCarthy: Proceed.

Q. (By Mr. Reynolds.) What was your rate of pay at the time you were discharged?

A. About 59 cents an hour, I think it was, I am not sure.

Q. How many hours a week were you working?

A. I don't know. Anytime we sold anything we worked quite late. Our regular hours I think were seven.

Q. Do you remember your average weekly check?

A. No, I don't, but our regular hours at that time were around fifty-four hours, I think they were, a week.

Q. Fifty-four hours a week?

A. Or about fifty, something like that.

Q. You made some overtime?

A. Absolutely.

Q. How much overtime?

A. Well, I don't know, it would average I could say about ten hours a week at least.

Q. Now, during the time that you were away from the Link Belt Company, between September 21st and January 13th, or the day that you returned to work, did you have other work?

A. Well, I had a few weeks of work in between them.

Q. For whom?

A. For a manufacturing company.

Q. What company was that?

216 A. Do I have to answer that?

Mr. Ford: I won't press it unless there is a further issue raised. I think if you are going into it you are bound to press it, counsel, and let us know where he made his money.

Trial Examiner McCarthy: If you claim back pay you will have to disclose where you worked, because that amount is deducted, if it is found by the Board that you are entitled to back pay.

A. It was at the Globe Manufacturing Company.

Q. (By Mr. Reynolds.) The Globe Manufacturing Company?

A. Yes.

Q. How long did you work for them?

A. I should say two or three weeks, I don't remember.

Q. Do you remember how much money you made during the time you worked for the Globe Manufacturing Company?

A. Probably \$100.00, say \$75.00 to \$100.00.

Q. Now, would you be able to get a statement from the Globe Manufacturing Company as to the amount of money that they paid you at any time?

A. Well, I could try.

Q. Will you make an effort to do that?

A. I will make an effort to do that.

Q. And bring that statement in?

A. Yes.

217 Q. Did you have any other work besides your work with the Globe Manufacturing Company during that period?

A. Yes, I had some Musician's work, that is, off and on, for a few dollars a night, just like I have been doing since I worked for the Link Belt Company. Whether I worked for the Link Belt Company or not, I could still do that in the evening, so I don't think that would have anything to do with it.

Trial Examiner McCarthy: But it was earned money. It was so many dollars for the work you did playing music?

The Witness: Yes.

Trial Examiner McCarthy: That is earned money.

The Witness: But regardless of whether I worked for the Link Belt Company or not, I still was earning that money.

Trial Examiner McCarthy: That was outside of your regular hours?

A. This is outside of my regular working hours, it is evening, yes. It is evening work. If I wanted to take a \$3.00 job for a night, I would take it, whether I was working for them or not, so I wouldn't say that was money earned.

Q. (By Mr. Reynolds.) Do you have any records to enable you to find out how much you did make in connection with your music during that time?

A. There was not very many jobs, there would be only two or three jobs, and each job paid about \$3.00.

218 Q. Would you say that \$10.00 would cover the money you earned during that period for your music?

A. I think so.

Q. What jobs did you have?

A. Probably play in some tavern. I never kept track of the dates or anything like that. Somebody would call me up and I would go out on the job. All I knew was the address, and a week later I couldn't tell you what place I played.

Q. Were you paid the same night that you played?

A. Absolutely, the same night.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: How long will it take you to cross-examine this witness?

Mr. Ford: I should say an hour.

Trial Examiner McCarthy: Off the record.

(Discussion off the record.)

Mr. Ford: May the record show that we have deferred cross-examination of this witness, and he is to be recalled at a time convenient to him so as not to interfere with his work?

Trial Examiner McCarthy: All right. We will recess until tomorrow morning at nine-thirty.

(Whereupon, at 5:00 o'clock p. m., Monday, March 14, 1938, the hearing was adjourned to 9:30 o'clock a. m., Tuesday, March 15, 1938.)

219 **BEFORE THE NATIONAL LABOR RELATIONS BOARD.**

* * (Caption—XIII-C-303) * *

Room 777, United States Court House,
Chicago, Illinois,
Tuesday, March 15, 1938.

The above entitled matter came on for hearing, pursuant to notice, at 9:30 o'clock a. m.

Before:

Hugh C. McCarthy, Trial Examiner.

Appearances: *

Stephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Messrs. Pope & Ballard, by Edward W. Ford and William F. Price, 120 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, and Forest A. King, 231 South La Salle Street, Chicago, Illinois, appearing on behalf of the Intervener, Independent Union of Craftsmen, Local Lodge No. 1.

220

PROCEEDINGS.

Trial Examiner McCarthy: You may proceed.

Mr. Reynolds: Mr. Salmons, will you resume the stand a moment?

Mark this the next Board exhibit.

(Thereupon the document above referred to was marked "Board's Exhibit No. 11", for identification.)

LOUIS SALMONS, recalled as a witness by and on behalf of the National Labor Relations Board, being previously duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) Are you the same Mr. Salmons who testified here yesterday?

A. Yes, sir.

Q. I show you this document marked Board's Exhibit 11 for identification, and ask you what that is.

(Handing document to witness.)

A. I can't make this out—

Trial Examiner McCarthy: Keep your voice up, please.

A. This is a statement I signed before Mr. Disser.

Trial Examiner McCarthy: Keep your voice up, I can't hear you.

A. This is a statement I signed when I went back to 221 work, before Mr. Disser.

Q. (By Mr. Reynolds.) Is that the only paper you signed for him at that time?

A. That is the only paper.

Mr. Wham: What is the date on that?

Mr. Reynolds: The date is not here.

Q. (By Mr. Reynolds.) Do you recall when you signed it?

A. I can't say just the date, but it was two or three days before I went back to work.

Mr. Reynolds: That is all.

I offer in evidence BOARD'S EXHIBIT 11.

Mr. Ford: Mr. Examiner, the Respondent desires, of course, to have that document made a part of the record, but unless the entire file is made available, I think the receipt of the document marked Board's Exhibit 11 would be objectionable in that it is not complete, it does not disclose the entire situation concerning the settlement of Mr. Salmons' case in December, 1936, but merely one portion of it, which is entirely self-serving in these proceedings. It is hearsay so far as the Respondent is concerned. It is a matter solely between this witness and someone else, not in the presence of the Respondent, and unless the whole file is made available with respect to this particular situation, I don't believe the document in question would be useful.

I would like to have this document in if the Board 222 wishes it, but I should also like to have the complete file in so that we can all know exactly what transpired at the time Mr. Salmons went back to work in December, 1936.

Trial Examiner McCarthy: What is your position on that?

Mr. Reynolds: I think that is a ridiculous request.

In the first place, I have taken from the testimony of this man exactly what transpired. So far as I know, in

this country you can't take away a man's rights without his consent, especially when it is an informal kind of proceeding, and there is no formal hearing.

Mr. Ford: In spite of the fact that he considers it to be ridiculous, he misses the point entirely. There were negotiations in this case of Mr. Salmons before the Board, not out on the street corner; not only between Mr. Salmons and this Board but between the Respondent and this Board; and unless the Board is willing to play the game fairly by disclosing the whole story, I think we cannot properly have just one certain document here. We would like to have the whole thing in.

There is no point in fishing out one thing which will be self-serving, as Mr. Reynolds knows, and cover up or attempt to cover up the whole story. The Board is the only one who has access to those files.

Trial Examiner McCarthy: Insofar as it is material to your case you can call any witness you may desire to give material testimony bearing on the issues of the case.

Off the record.

(Discussion off the record.)

Trial Examiner McCarthy: The request to subpoena the files of Mr. Salmons' covering that period in which an effort was made by mediation to reconcile the differences between Salmons and the Respondent will be denied.

Mr. Ford: That places the Respondent in this position, Mr. Examiner, unfortunately, and it is nobody's fault, it just happened to be, that the then Regional Director of the National Labor Relations Board for the Thirteenth Region is not available in this proceeding. I don't know where he is.

Trial Examiner McCarthy: Probably the Director himself had nothing directly to do with the case.

Mr. Ford: Unfortunately the fact is, in order for the Respondent to establish its proof in this instance by the testimony of witnesses, it will be necessary to produce on the stand the then Regional Director of the Labor Board, who was the moving spirit so far as this Respondent is concerned.

Trial Examiner McCarthy: I would suggest—

Mr. Ford: I don't know where he is now.

Trial Examiner McCarthy: Mr. Berry could testify as to his understanding, if he wishes to, and if the Board

wishes to repudiate that it may do so. That would
224 be the simplest way to handle it.

Mr. Ford: I understand, but here we are faced with a document which for clarity's sake requires oral testimony reciting a transaction of a year and a half ago.

Trial Examiner McCarthy: This witness testified that he signed a release.

Mr. Ford: That is right.

Trial Examiner McCarthy: In order to clarify what he actually did sign, counsel produces this exhibit, which will be received.

(The document, heretofore marked "BOARD'S EXHIBIT NO. 11", for identification, was received in evidence.)

Mr. Ford: May I request then the issuance of a subpoena for Louis J. Disser, referred to by Mr. Salmons in his testimony. Mr. Disser acted, I believe, as a field investigator or—

Mr. Reynolds: Yes.

Mr. Ford: —field representative.

Mr. Reynolds: Yes, that is right.

Trial Examiner McCarthy: How do you spell his name?

Mr. Ford: Louis, L-o-u-i-s J. D-i-s-s-e-r.

Mr. Reynolds: Mr. Examiner, may I interrupt to say that on second consideration of this matter, in order to avoid the necessity of calling Mr. Disser, who I believe
225 lieve will be out of the City for some time—I believe he leaves today—I am willing to introduce into evidence the files in the closed case involving Mr. Salmons. I believe Mr. Novak's case is also included in it. I will introduce both in evidence, but it has never been done before so far as I know.

Mr. Ford: I think that is very kind of Mr. Reynolds. I appreciate it. I really feel it is material to the Respondent's case. I would like, however, to press my request for Mr. Disser's subpoena. I should also like a subpoena for Mr. L. W. Beman, whose address I do not know, but I believe that it is some place in Ohio, perhaps Cincinnati—

Mr. Reynolds: I think so.

Mr. Ford: (Continuing.) —who will be called to testify concerning conferences, negotiations, and other substantive matters relating to the matters which the witness Salmons has testified to, which occurred between September 21st and December 21st, 1936, and concerning

which the witness Novak testified which occurred within the same general period, from September, 1936 to January, 1937, and also with respect to certain circumstances concerning the allegations of the complaint insofar as they relate to one Nels Carls Sorensen; and the Respondent would propose to use the witnesses for which subpoenas have been requested solely on the issues of the alleged discriminatory discharge of the three complainants 226 named, Novak, Salmons and Sorensen, and on no other issue.

Trial Examiner McCarthy: The request for the subpoenas is denied. You may proceed.

Mr. Reynolds: That is all, Mr. Salmons.

Mr. Ford: In view of the denial of the request for subpoenas, the Respondent asks leave to present an offer of proof consisting of a statement of facts to which Mr. Disser and Mr. Beman would testify should they appear here in response to the subpoenas which were refused the Respondent.

Trial Examiner McCarthy: You can make your offer of proof.

Mr. Ford: Thank you. Is that all?

Mr. Reynolds: That is all with this witness.

Cross-Examination.

Q. (By Mr. Ford.) Mr. Salmons, who was present at the time you signed this document which is marked Board's Exhibit No. 11?

A. Nobody, only Disser and myself.

Q. You and Mr. Louis Disser?

A. Yes, sir.

Q. And was this signed in the offices—

A. In the office.

Q. (Continuing.) —the Regional office of the Labor Board in Chicago?

227 A. Yes, sir.

Q. That is a mimeographed or appears to be a mimeographed form of withdrawal, is that correct?

A. I couldn't say.

Q. Typewritten or mimeographed, or typewritten with typewriter type.

A. I don't know how it was printed, all I know is that he read it to me and I signed it.

Q. Now, this action was filed, according to this doc-

ument, on the 10th Month, the 2nd day, of 1936. That is the date, is it not, that it bears as the date that the action was filed?

A. No doubt it was, because he called me down there just two or three days before I went back to work.

Q. I call your attention to the third line of the withdrawal, being this document marked Board's Exhibit 11, and it says "Action filed," is that correct?

A. That is right.

Q. And what is the notation following the words "Action filed"?

A. I don't see what you mean.

Q. Would you read that (indicating)?

A. 10/2/36.

Q. In other words, that is 10/2/36?

A. 10/2/36, yes.

228 Q. And you signed this document, although it is not dated, just a few days before you went back to work on the 21st of December?

A. Yes, sir.

Q. Which would be around the 18th, perhaps, or thereabouts?

A. I say, I went down there during the week and I went to work on the following Monday. I don't know just what day of the week it was.

Q. Did you testify yesterday that you did not file those charges or authorize the filing of charges on your behalf, setting forth that you were reemployed on the sole condition that you never belong to any union at any time or place? You never filed such charges?

A. No.

Q. You never authorized anybody to file any such charges in your behalf?

A. Well,—

Trial Examiner McCarthy: Just a minute, the witness testified that the constitution of his union provides that form of action, as I understand it.

Q. (By Mr. Ford.) Do you have any explanation of the fact that between the middle of the month of December, 1936, and the month of March, 1938 that no action was taken with respect to your case so far as filing charges were concerned?

A. No, not as I remember.

229 Q. At any time between the time you went back to work in December of 1936 and the time that the complaint was issued in this case did you ever request

Mr. Berry or any other official of the Link Belt Company to pay you your wages for the period from September 21 1936 to December 21, 1936?

A. Myself, I never have, but that was up to the Labor Board.

Q. That was up to the Labor Board?

A. Yes.

Q. You don't know what arrangements were made between the Labor Board and the Link Belt Company with respect to your going back to work?

A. I do not.

Q. You never made any request yourself to the company?

A. No.

Q. Do you know whether Lodge 1604 ever made any such request?

A. The Lodge did not, it was up to the Labor Board to take care of the case.

Q. In other words, the whole thing, so far as you were concerned, was in the hands of the Labor Board, and you understood that any arrangement made between the Board and the Link Belt Company was satisfactory to you?

A. Well, no, I don't say I do.

Q. Well, did you understand that some arrangement had been made?

A. I understood there was an arrangement made that I would go back to work, go back to work under certain conditions.

Q. And the conditions were that you would not lose your seniority?

A. That is right.

Q. That you would not be prejudiced in your vacation rights?

A. That is right.

Q. And you would receive the advantage of the pay increases which had gone into effect during the period from September 21st to December 31st?

A. That is right.

Q. And were there any other conditions?

A. Not to my knowledge.

Q. And upon those conditions you then went back to Mr. Berry at Mr. Disser's suggestion and told him you would like your job back?

A. I asked for my job.

Q. And you got it?

A. I did.

Q. That is all there was to the story?

A. Yes, sir.

Mr. Ford: That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) Did you have any conversation with Mr. Disser about the matter of your back pay?

A. I think I asked him about the back pay, and he told me to go back to work, and he says, "Well, the case can be reopened". That is the way that I remember it, as near as I remember it.

Q. And when you signed the withdrawal of the charge was it with that understanding?

A. It was with that understanding, yes, sir.

Mr. Reynolds: Yes. That is all.

Recross Examination.

Q. (By Mr. Ford.) Was it your understanding that you would reopen the charges if you didn't get back pay?

A. It was my understanding when this case came up that naturally I would get back pay.

Q. You mean it was your understanding when this present case came up you would get back pay?

A. Yes, sir.

Q. But I am talking about the time that you were in Mr. Disser's office, on the day that he suggested that you go back to Mr. Berry and ask for your job; was it your understanding at that time that Mr. Disser was going to suggest that you get back pay?

A. It was my understanding from the time I started in the union if I would get fired and was rehired I would get back pay.

232 Q. You didn't get back pay?

A. I haven't yet.

Q. I mean, when you went back.

A. No.

Q. You never asked for it, did you?

A. That was up to the Labor Board to handle it.

Q. In other words, you placed it in the hands of the Labor Board?

A. With the Labor Board, yes.

Q. With the understanding that they would do the best they could for you?

A. That is right.

Q. When they got you back to work that was the end of the story, was it not?

A. No.

Q. Did Mr. Disser say that one of the conditions of your going back to work was that the company was to pay you back pay?

A. We brought up that question, or I brought up—

Q. You can answer that yes or no.

A. Yes.

Q. He told you that one of the conditions of your going back was that you were to be paid back pay?

A. I understood when I went back to work I would get back pay.

233 Q. Did Mr. Disser tell you that?

A. I don't know that he did, no, right out in words. I don't just remember what the words were at the time.

Q. What I am trying to get at, Mr. Salmons, and maybe I can shorten it up, is: This back pay idea, was that something that Mr. Disser told you or something that you had carried in your mind from the very beginning?

A. I am almost sure that we talked about it at the time, I don't just remember how it was, but I went back with the understanding that I would get back pay.

Q. Now, when you did not get back pay, did you ever go to Mr. Disser and say, "Now, look here, Mr. Disser, I haven't got my back pay"?

A. Well,—

Q. Did you ever go back to him and talk to him about it?

A. Not at that time, because we were taking a case into court before the Labor Board, and under the rules we thought this thing would all be settled.

Q. A year and a half later?

A. Yes.

Q. What I am trying to get at is, did you ever go to Mr. Disser or to anybody else over to the Labor Board between the time you went back to work in December, 1936, and the time this case came up?

A. Quite a number of times.

234 Q. Did you ever go back and ask why you did not get your back pay?

A. No, we haven't—I remember—well, I guess we have brought that case—that question up at times. We have been down there quite a few times at the Labor Board.

Q. How many conferences did you have with Mr. Disser

between September 21st and December 21st, 1936, do you remember?

A. No, not very many.

Q. Would you say possibly two or three?

A. Oh, no, maybe not that many, maybe one.

Q. One. You must have talked to him more than once. You saw him when you filed your charges, did you not?

A. Yes.

Q. Then you saw him when you signed this document marked Board's Exhibit 11?

A. I understood you to mean between those two times.

Q. I beg your pardon?

A. I understood that you meant between those two times.

Q. In other words, you understood that Mr. Disser or some representative of the Regional office of the Board met somebody from the company between those times?

A. Yes.

Q. And did you understand that some agreement or settlement—

Trial Examiner McCarthy: You asked the witness 235 how many times he had seen Mr. Disser?

Mr. Ford: Yes.

Trial Examiner McCarthy: I think he misunderstood you.

Q. (By Mr. Ford.) I mean, how many times did you see Mr. Disser in that period?

A. I saw him when I filed the charges, when I went down the first time. I think I seen him maybe once or twice between that and when I went back to work.

Q. So there would be a total of three or four times when you met Mr. Disser?

A. Probably.

Q. Did Mr. Disser report to you when you went back the progress that he was making, if any, with the company?

A. No, the only time I went down there—I probably dropped in there a time or a couple of times in that time.

Q. Now, when you went back to see Mr. Disser the second time, what did he tell you?

A. I don't just remember.

Q. Did you have any conversation with him regarding your case, what was being done about it, how he was getting along?

A. Probably that was the business down there, but I don't just remember. There was just two men in the

238 *Witness for National Labor Relations Board.*

Labor Board at that time and they were very busy, and everything moved very slowly.

Q. Did you talk to Mr. Beman about your case?

A. Beman, no.

236 Q. Did you talk to Mr. Bertha about your case?

A. Not that I know of, I don't know him.

Q. Did you ever talk to Mr. Cranefield about your case?

A. Cranefield, I don't know him.

Q. Did you ever talk with any other person at the Labor Board about your case?

A. There have been quite a few that we have talked to.

Q. I am referring back to this period back in 1936.

A. No, no.

Q. Disser was the only one with whom you discussed it, is that it?

A. The only one.

Q. The third time you went back to see Mr. Disser, what did you say to him and what did he say to you about your case?

A. I don't remember what it was at that time, it has been quite a while ago. I may have went in there and asked him, "What are you doing?" and he said, "Well, we haven't got to it yet," or something like that.

Q. Did he at any time tell you that he had been in touch with the management about your case?

A. Not until I went back to work, not to my knowledge.

Q. When you went back to see him a few days before you returned to work, did you go in at his request, or did you just happen to go in?

A. He called me.

237 Q. What did he tell you over the telephone?

A. He told me to come down to the Board, he wanted to see me.

Q. You went down?

A. I went down.

Q. What did he tell you when you got there?

A. He told me I was to go back to work on Monday, go out and ask Berry for my job, as I have told it over and over.

Q. Did he tell you that he and Mr. Berry had come to an understanding in your case and settled it?

A. He didn't tell me about the case, how the case was settled, but he told me the conditions I would go back to work under.

Q. Those conditions were that you would not lose your

seniority rights, your vacation rights and you would have the advantage of any pay increases?

A. And that I would go back on the same old job.

Q. The same old job?

A. Yes, sir.

Q. What time was that conversation with Mr. Disser, do you remember?

A. It might have been in the afternoon, I don't just remember.

Q. Was anybody else there when you talked to him?

A. Nobody else.

238 Q. Did he tell you anything at that time about your rights to reopen the case? Did he talk to you about that subject?

A. He did.

Q. Do you remember what he said about that?

A. Well, he read that slip there (indicating).

Trial Examiner McCarthy: Referring to Board's Exhibit No. 11.

Mr. Ford: Referring to Board's Exhibit 11.

The Witness: Yes.

Q. (By Mr. Ford.) Now, just what did he tell you about reopening the case? Did he tell you under what circumstances you could reopen it?

A. No.

Q. Did he say anything to you about the fact that you could reopen this case if they did not treat you right at the plant?

A. No.

Q. Did he say anything to you about the reopening of the case if they fired you again?

A. No.

Q. Did he say anything to you about reopening the case in the event they did not give you back your vacations?

A. No.

Q. Or if they did not give you back your seniority rights?

A. No.

Q. Or if they did not give you the benefit of the 239 rate increases?

A. No.

Q. Or if they did not pay you back pay for the time you were off?

A. No.

Q. In other words, he said this, you can reopen or re-file this action at any time?

A. That is right.

Q. Just generally, without any reference to any particular circumstances?

A. Yes. I was led to believe by his statement that I could reopen the case at any time.

Q. In other words, whenever you felt like it?

A. Whenever I felt like it.

Trial Examiner McCarthy: By that you mean that he could file charges, don't you?

Mr. Ford: That he could file a charge, that is right, I have been a little careless in my language. The language is, "I desire to withdraw the action as stated above. It is understood that I may re-file the same at any time."

Trial Examiner McCarthy: That relates only to the charge.

Mr. Ford: The word "charge" is not mentioned, it is called "action".

Trial Examiner McCarthy: You know in practice 240 under the Act—

Mr. Ford: It would be the charge, yes.

Q. (By Mr. Ford.) Did Mr. Berry say anything to you when you went back to see him about getting your job about your vacation rights?

A. Yes.

Q. What did he tell you about those?

A. He said I would get my vacation rights.

Q. And did he say anything to you about your seniority?

A. He said that I would go back—I don't think that that come up, the seniority rights, I don't remember it.

Q. Did he say anything about what would be done about the pay increases that had been put into effect while you were away?

A. He did.

Q. What did he say about those?

A. He said I would get the increases in wages and vacation rights.

Q. Did he say anything to you about paying you your wages for the time that you were off?

A. No.

Q. And you did not say anything to him about that?

A. I did not.

Q. Yes.

Mr. Ford: I believe that is all.

241 Trial Examiner McCarthy: That is all.

Mr. Reynolds: That is all.

(Witness excused.)

PETE SOLINKO, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

- Q. (By Mr. Reynolds.) State your name.
A. Pete Solinko.
Q. What is your address?
A. South California, 2514.
Q. Are you employed by the Link Belt Company?
A. Yes, sir.
Q. How long have you worked there?
A. I have been working over a year, the past year.
Q. About a year?
A. Not quite fourteen months, something like that.
Q. Now, you have a son that works there, too?
A. Yes.
Q. What is his name?
A. Frank Solinko.
Q. When did Frank start working for Link Belt?
A. I don't remember now, I think April, or something like that, I don't know, or May.
242 Q. Was it last year?
A. 1936.
Q. (By Trial Examiner McCarthy.) 1936 or 1937?
A. 1937.
Q. (By Mr. Ford.) What month was that?
A. I don't know.
Q. (By Mr. Reynolds.) You said May, didn't you?
A. April or May, something like that, I don't remember.
Q. Did you have anything to do with getting your son a job at the Link Belt Company?
A. No.
Q. Did you help Frank to get a job?
A. Yes, I helped him.
Q. What did you do?
A. Well, I asked about four months for a job over there, and he said he ain't got no chance.
Q. You asked whom?
A. The foreman of the employment office over there.
Q. The employment manager?
A. Yes, sir.
Q. You were in the employment office?
A. Yes, we call him Stanley, I don't know his name.
Q. Stanley?

A. Yes.

Q. Was that Mr. Staske, the employment manager?

243. A. Yes, sir.

Q. What did you say to Stanley?

A. He says no chance before that. He says nothing, no got, no chance. That was before that trouble started with the union, before they started to organize the union over there, and after they started to organize the union I was there and I asked him again.

Q. Now, what union do you mean?

A. I don't know what union you mean.

Q. Do you know the C. I. O.?

A. Yes, sir.

Mr. Ford: I still don't know what was said.

Trial Examiner McCarthy: We will get that out of him.

Mr. Ford: Maybe I did not hear the answer.

Trial Examiner McCarthy: He has not said anything yet.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) What union do you mean? Stanley said there was no chance to get a job for Frank, because why?

A. Before he says that way. After my boy go there and signed for a job, to get an application, about four or five months, Stanley told me, "You are an older man".

Q. Referring to you?

A. Yes.

Q. You are an older man?

244. A. Yes, sir. He comes and says, "Stanley wants to see you tomorrow in the office."

Q. Frank said that?

A. Yes, he say to me.

Q. Yes.

A. The next day I go over there, and already in the office my boy over there.

Q. Frank was in the office?

A. Yes.

Q. Yes.

A. I say to Stanley, I say, how soon you get a chance, how about a chance.

Q. How about a chance for a job?

A. He say nothing doing, filled up. He say, "Do you know the C. I. O., is it pretty strong?"

Q. Who said that?

A. Stanley.

Q. Stanley said that?

A. Yes, he say, "Are you getting the C. I. O. pretty strong?"

I say, "I don't know what you mean."

He say, "Did you sign for union?"

I say, "No."

And he say, "No sign any kind of union here?"

I say, "No."

245 He say, "You had better sign up."

I say, "How should I sign up, for what?"

He say, "You know John Kovatch?"

Q. Stanley says, "You know Kovatch?"

A. Yes. I say, "No."

He say, "He is a big fellow, he used to be inspector in the steel foundry."

I say, "I don't know, I don't know him."

He say, "Well, the boy stay here in the office, while you see John Kovatch."

Q. Frank stayed in the office?

A. Frank stayed in the office, you see John Kovatch.

Q. (By Mr. Ford.) Did you see John Kovatch?

A. They told me—

Trial Examiner McCarthy: You can cross-examine him later.

Q. (By Trial Examiner McCarthy.) Then what did you do?

A. I no go, I go my job back.

Q. What job did you have?

A. Grinder for machine. I started to grind, and maybe about ten minutes John Kovatch come along and another inspector,

Q. Another inspector?

A. Yes, sir. Then he come along with some piece of paper. He say, "What is your check number?" and I
246 told him, and the inspector go on his job, and he stayed with me, and I was listening—

Q. Kovatch stayed with you?

A. Yes, sir. I was working on the grinder, and I was listening, and he say, "Do you want to sign up?"

I say, "Sign what?"

"For union."

"I don't know", I say, "I sign already."

He say, "Who you sign?"

I say, "Some fellow, I forget".

"What did you sign up?"

"Well, I don't know which fellow."

He say, "Do you want to sign up over here? Frank was in the office, he wants to know how you are standing".

Q. Frank wants to know how you are standing?

A. Yes, I know he is there. I am working, and I was listening, and I won't sign up right away, and he says, "You want to sign up right away".

Q. Kovatch said that?

A. We need you fellows right away, because the company wanted to find out who is going to keep on the job.

Q. The company wanted to find out?

A. Who they are going to keep on the job. I say, "I ain't going to sign up right away."

The next morning I go to get a drink over there, and
247 he talk to Mr. Skeets.

Q. Who is Mr. Skeets?

A. The superintendent.

Q. Kovatch talked to Skeets?

A. Yes, he talking over there. I leave the job to get a drink of water down there, and he says, "Pete, come here".

Q. Who said that, Skeets?

A. No, Kovatch. I say, "What do you want?"

He say, "What do you think?"

I say, "I don't know".

He say, "Come on in the office." He called me in the office, and he give me a piece of paper, and he say, "You want to sign your name."

I don't know what I am going to do, I asked him—

Q. Was Skeets with Kovatch when he said that?

A. No, Skeets go. Then Kovatch call me in the office and he say, "Sign your name", in the office.

I say, "I can't sign, I can't write."

He say to sign my name. I sign my name, the letters, and the timekeeper say he fix my address.

Q. The timekeeper fixed up your address?

A. Yes, that is all.

Q. You belonged to two unions then?

A. Yes, if I signed. I know for what I signed, if I sign I want my job. I was four years on steady relief before.

248 Q. Before that?

A. Yes, sir, before I got a job there.

Q. That is why you signed the paper?

A. Yes, sir. That same day he give him the job and put him to work.

Q. What was he doing there in the office?

A. Who?

Q. Frank. You said when you came in Stanley said, "You know Kovatch."

A. Yes.

Q. And at that time you say your boy was in the office, or did your boy come into the office later?

A. No, I find him in the office then.

Q. You found him in the office then?

A. Yes, sir.

Q. What was he doing?

A. He was waiting for me.

Q. Just waiting for you?

A. Yes, sir.

Q. You knew what the paper was that you signed for Kovatch, did you not, the paper you signed, at the time you signed it?

A. No.

Q. Maybe it was something else than you think it was.

A. He say it was some kind of union.

249 Q. Some kind of union?

A. Yes.

Q. Did he say what kind of union?

A. He said inside union.

Q. Inside union?

A. Yes.

Q. You knew when you signed that, you knew you were signing something about an inside union?

A. I wouldn't know I signed for inside union, he say I would keep the job.

Q. At any rate, you signed a paper?

A. Yes, sir.

Q. What did that paper refer to, or what was that paper about, do you know?

A. Some kind small piece of paper, I should sign on there, that is all.

Q. Were there some words on the paper?

A. There was some words over there, I couldn't read that.

Q. You can't read?

A. No, sir.

Q. What did Kovatch say it was?

A. I signed and he says, "O. K.," and I went to work.

Q. I want to find out about this piece of paper. When Kovatch says, "You sign up," what did you see on the paper, if anything?

250 A. No, no, I didn't see me nothing, I can't read it.

Q. What makes you think that that was a paper about an inside union; did Kovatch say so?

A. Yes, Kovatch say it was inside union.

Q. What did Kovatch say?

A. He say, "Sign for the union, I work for this organization."

Q. What organization was it?

A. Independent Union.

Q. Inside union, is that what you mean?

A. That is what he told me.

Q. Independent Union, inside union, the same thing?

A. The same thing.

Q. So your boy went to work that day?

A. He go to work the next day, and he sent him to the doctor the same day.

Q. He sent him to the doctor the same day, and he went on the job the next day?

A. Yes.

Trial Examiner McCarthy: That is all. You may proceed.

Direct Examination.

Q. (By Mr. Reynolds.) Did you join the C. I. O.?

A. I joined the C. I. O. before.

Q. Before that time?

251 A. Yes.

Q. And did you attend the C. I. O. meetings?

A. Yes.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Ford.) What is Stanley Kovatch—

A. What?

Q. John Kovatch, is that it?

A. Yes.

Q. What kind of a job does he hold out there?

A. He is some kind of an inspector over there.

Q. Does he come around and look at the work?

A. He was inspecting steel, the different jobs, inspecting; inspector of some kind.

Q. He inspected the steel?

A. Yes. He has a job now up in the office, some kind.

Q. What was your job at that time, a grinder?

A. A grinder.

Q. Do you remember what day this was that you have been telling us about here?

A. No, I no remember the days, I didn't pay any attention to the days.

Q. Do you remember what year it was?

A. It was 1937.

Q. Do you remember what time of the year it was,
252 spring or fall?

A. I think about April or May, something in those two months.

Q. Sometime in May or about that time, in the spring?

A. Yes.

Q. Now, what did this paper look like that you signed in Stanley Staske's office?

A. I didn't sign it in the office of Stanley.

Q. Were you not in Stanley's office when you signed it?

A. I never signed in that office where Stanley was, I signed it in a different office.

Q. What office were you in when you signed it?

A. They had some people—well, the time keeper's office.

Q. In the timekeeper's office?

A. Yes, one man working over there.

Q. Who had this paper that you signed, did the time keeper?

A. No, John Kovatch.

Q. John Kovatch had the paper that you signed?

A. Yes.

Q. Did you tell the time keeper to make it out?

A. He said to make out my address.

Q. He said to make out your address?

A. Yes, because I can't write or read.

Q. Was your son living with you?

A. Yes.

253 Q. Did this paper have your son's address on it, or don't you know?

A. What do you mean?

Q. This paper that you signed.

A. Yes.

Q. Did it have your son's name on it?

A. No, sir.

Q. Can you read it if you did see it?

A. I can't read, I don't know what you mean.

Q. What kind of a looking piece of paper was it?

A. It was some kind of a—something like a receipt.

Q. Looked like a receipt?

A. Yes.

Q. But you don't know what it was?

A. No, sir.

Q. When you signed it, then what happened?

A. I signed it and he asked me my check number, and told him my check number.

Q. Did the time keeper ask you for your check number?

A. No, John Kovatch.

Q. John Kovatch asked you for your check number?

A. Yes.

Q. They asked you for your address?

A. Yes.

Q. You put that on the piece of paper?

254 Trial Examiner McCarthy: He said the time keeper put his address on.

Q. (By Mr. Ford.) I mean, the time keeper put it down?

A. Yes, sir.

Q. What did the time keeper do with the slip which you signed?

A. He gave it to John Kovatch.

Q. He gave the slip to John Kovatch?

A. Yes.

Q. Do you know what he did with it?

A. What?

Q. Do you know what John Kovatch did with it?

A. No, he took it, and he gone.

Q. He took it, and you went back to work?

A. Yes, sir.

Q. How long was it that you had been trying to get a job for your son?

A. Me?

Q. Yes.

A. About four or five months, something like that.

Q. How many times did you go to the employment office there to get him a job?

A. About fifteen times, something like that, twenty.

Q. Fifteen times, something like that?

A. Yes.

255 Q. And when you went to the employment office to talk to Stanley Staske—

A. Yes.

Q. (continuing) —did you ever talk to anyone else out there about getting your son a job?

A. No.

Q. Did you ever talk to Mr. Skeets about it?

A. No.

Q. Never said anything to Mr. Skeets about getting your boy a job?

A. No, sir.

Q. Now, then, let's go back to the time that Mr. Kovatch—how did you happen to go to the office in the first

place? How did your boy happen to go there, if you know?

A. I asked another day over there and he says, Stanley says, we ain't got no chance for him, bring him in sometime, maybe I got a chance.

Q. Maybe he would get a chance to give him a job.

A. Yes, he was there in the morning, and he says he was going to see me.

Q. Frank was there and he said that Stanley was going to see you?

A. He go up there about nine o'clock, and he went back home.

Q. Did you go in the office with him?

256 A. No, sir. I say the next day, "What did you say to Mr. Stanley?" He say, "He is going to see you."

Q. And did he see you?

A. The next day.

Q. Stanley saw you?

A. The next day, they told me to come over again in the office.

Trial Examiner McCarthy: You are talking about Frank?

Q. (By Mr. Ford.) Did Frank tell you that Stanley wanted to see you?

A. Yes, sir.

Q. So the next day you brought Frank with you again and went in to see Stanley?

A. I told him I would be working, I told him to come in at nine o'clock or ten o'clock, and I would be in the office.

Q. So you and Frank were together. Did you see Stanley?

A. The next day I got my finger sore, and I was to see the nurse about nine o'clock.

Q. Was Frank there already when you went to see the nurse about your finger?

A. Yes, sir.

Q. You had asked Frank to come over, didn't you, you told him to be there?

A. Yes, I told him to be there about a job.

257 Q. You went in and got your finger fixed up?

A. Yes, and I went over to Mr. Stanley.

Q. You went over to Mr. Stanley, and Frank was there when you got there?

A. Yes, he was in the office already.

Q. What did you say when you got in and saw Stanley, when you and Frank were there?

A. I asked him—

Q. (By Trial Examiner McCarthy.) You asked Stanley?

A. Yes, about getting a job for my boy, he was here, he come today, and he says, no chance, nothing doing. He asked me about the C. I. O., how the C. I. O. was getting along.

Q. (By Mr. Ford.) He asked you how the C. I. O. was getting along?

A. Yes.

Q. What did you say?

A. I say, "I don't know what you mean."

Q. What did he say?

A. He say, it is pretty strong. I say, "I don't know." I say, "The union, I don't sign no union paper."

Q. (By Trial Examiner McCarthy.) You told Stanley that?

A. Yes. He say nothing, he asked whether I knew one fellow. He asked about John, some kind of a union, I should sign it. He say, "Did you sign it?"

I say, "I don't know what you mean."

He asked me if I know John Kovatch. He told me 258 what kind of a job he had.

I say, "I don't know him."

He told me, "Go ahead and see John Kovatch, and he wait for me here."

Q. Just a minute. Did you talk to Stanley in English?

A. In English.

Q. (By Mr. Ford.) All right, what did Frank say?

A. He didn't say nothing.

Q. Frank was just sitting there listening?

A. Yes, he was sitting there.

Q. Tell us again what it was that John Kovatch told you when he came to see you.

Q. (By Trial Examiner McCarthy.) Then you left the office and you went to your machine and started grinding?

A. Yes, I go on my job and start work.

Q. And about ten minutes later Kovatch comes over?

A. Yes, Kovatch and another fellow, and an inspector come in, another man that works on steel.

Q. (By Mr. Ford.) Did they say anything?

A. Both asked me my check number.

Q. Your check number?

A. Yes.

Q. And did you tell him?

A. Yes, I told him.

Q. What was your check number?

259 A. 1217.

Q. 1217?

A. Yes.

Q. Now, at the time you told him what your check number was, what did you say?

A. That is all, I want to sign up.

Q. (By Trial Examiner McCarthy.) Who said that, Kovatch?

A. John Kovatch.

Q. He said that to you?

A. Yes, sir.

Q. He says, "You sign up?"

A. Yes, sir.

Q. (By Mr. Ford.) Did he tell you what he wanted you to sign up for? Let me ask you this question:

What kind of a job did your boy get? What is his job out there, what is Frank's job?

A. After he signed up the union should give him a job, but he—

Q. What kind of a job has he out there?

A. He is doing work for machinery.

Q. Is he a rod straightener?

A. A rod straightener, something like that.

Q. A rod straightener under Kovatch?

A. No, not Kovatch.

Q. Who is his boss?

260 A. His name, I don't know—

Trial Examiner McCarthy: You don't know, that is all.

The Witness: Some kind of a Bill.

Q. (By Mr. Ford.) Bill somebody?

A. Yes, I don't know his name.

Q. What else did Mr. Kovatch say?

A. He say sign it. I say, "I ain't got any time".

He say, "I want to find out about where you stand."

He say, "Your boy is waiting in the office."

I didn't want to sign up, and I say, "No, I no going to sign nothing."

Then he call me in the office, and I go there, and he say, "Sign your name."

Q. Do you know whether you actually ever signed up with the Independent Union?

A. I don't know, he told me I should sign up, and I signed up.

Q. But you don't know what you signed for?

A. No.

Q. When did Frank go to work? Do you remember what date?

A. I don't remember what date because I am working, I didn't pay no attention, I don't know what month it is, because I know he is going over there every month.

Q. Did Frank ever come to you and tell you that the only reason that he got the job was because you signed up 261 with the union?

A. No.

Q. What did Frank tell you?

A. He no told me nothing.

Q. How did you happen to think that was the way that he got the job?

A. Because Stanley say I should go and see John Kovatch, and John Kovatch wanted to find out how I stand.

Q. What is that?

Q. (By Trial Examiner McCarthy.) Wanted to find out where you stand?

A. Yes, sir.

Q. Kovatch said that?

A. Yes, that is what he told me.

Q. (By Mr. Ford.) What did John Kovatch have to do with getting your boy a job? Did he have anything to do with getting your boy a job?

A. He don't say nothing to me.

Q. Did Kovatch go back and talk to Stanley?

A. I don't know.

Q. Did you go back and talk to Stanley?

A. No, sir.

Q. Did you go back and talk to Frank?

A. No, I don't talk to nobody.

Q. You don't know what happened, how he got the 262 job, or rather Frank already then had the job?

A. No.

Q. You don't know that?

A. No, when I come home I ask him if he give him a job, and he says, "I don't know, he say he send me to the doctor the next morning at nine o'clock."

Q. You don't know whether Frank already had been given a job before that time or not?

A. No.

Q. You don't know whether he was hired or whether he was not hired?

A. No, sir.

Q. Or whether he was hired before you talked to John Kovatch or after you talked to John Kovatch?

A. I told you before, no.

Q. Do you know when Frank left the office?

A. No.

Q. Do you know how long he stayed there after you left?

A. No.

Q. Is your son here in the hearing room?

A. What?

Q. Is Frank here?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Frank is here?

A. Yes.

263 Q. (By Mr. Ford.) Which one of these men is your son?

A. Over there (indicating).

Trial Examiner McCarthy: Which one is Frank Solinko?

(A man in the rear of the room stood up.)

Q. (By Mr. Ford.) Do you still want him to work there?

A. No, I got laid off.

Q. (By Trial Examiner McCarthy.) Now, wait. Do you want Frank to work out to the plant?

A. I don't understand what you mean.

Q. (By Mr. Ford.) You wanted him to get the job at that time?

A. Yes.

Q. Do you still want him to have a job?

A. Yes, I want him to have the job.

Q. When there is work available, do you want to work, whenever there is anything to do? You are laid off right now, aren't you?

A. No, no, I got off about January 15th.

Q. Are you working now?

A. I work now for the relief.

Q. (By Trial Examiner McCarthy.) You work now for the relief?

A. Yes.

Q. You don't work for the plant any more?

A. No.

264 Q. (By Mr. Ford.) When there is work out there and things pick up, do you want to go back?

A. Yes.

Q. You haven't anything against the plant, have you?

A. No, sir.

Trial Examiner McCarthy: We will have a five minute recess.

(A short recess was taken.)

Mr. Reynolds: Have you any more questions?

Mr. Ford: I have a few more questions.

Q. (By Mr. Ford.) Did you ever pay any dues in the Independent Union, the inside union?

A. Yes, the inspector come every month through, and he say if I want to save the job I had better pay, I would have to pay, and I pay.

Q. He said if you want to stay on the job you would have to pay dues?

A. Yes, sir.

Q. Who told you that?

A. I don't know his name.

Q. Do you know who he is, where he works?

A. He comes by John Kovatch, the inspector over there, he is the same man that come with John Kovatch.

Q. (By Trial Examiner McCarthy.) That came with John Kovatch the first time?

265 A. Yes. He say, "You are going to pay dues if you want to stay here."

Q. (By Mr. Ford.) That was not John Kovatch?

A. No.

Q. That was some man who was with John Kovatch the first day?

A. The same man, the same man who come and asked if I want to sign up.

Q. You don't know what his first name is?

A. We call him Louie.

Q. Louis?

Q. (By Trial Examiner McCarthy.) What work does he do, do you know?

A. He is an inspector on the steel, some place, we work in the same room.

Q. (By Mr. Ford.) And do you pay dues in the C. I. O.?

A. I do one time.

Q. Just one time?

A. I can't pay both because all the time if I want to stay on the job I would have to pay inside Independent Union dues. I refuse to pay and the inspector say, "If you get one month behind in your dues, you will see how you don't stay long on the job."

Q. What does the inspector do?

A. He inspects the steel, that is all I know.

266 Q. Is he your boss?

A. No, he is not my boss.

Q. Is he anybody's boss?

A. No, sir.

Q. He is just an employee like you are?

A. Yes, sir.

Trial Examiner McCarthy: He said he is an inspector.

Mr. Ford: Yes, that is right.

The Witness: He is an inspector.

Q. (By Mr. Ford.) He just goes around and looks at the steel and inspects it?

A. He collects the dues. There are a lot of men pay him dues.

Q. He is the collector for the Independent?

A. Yes, and he come and tell me every month if I no pay I no stay longer on the job.

Q. Did the C. I. O. tell you you had better join up with them or you wouldn't get a job?

A. No.

Q. They did not?

A. No, sir.

Q. When did you join the C. I. O.?

A. I joined the C. I. O. I believe some time in 1937.

Q. In 1937?

A. Yes.

267 Q. At the same time you signed up with the other?

A. No, about a month later.

Q. About a month later?

A. Yes, sir, in the month, late.

Q. In other words, you joined the C. I. O. after you signed up with the Independent?

A. No, I join first to the C. I. O.

Q. You joined first with the C. I. O.?

A. Yes.

Q. About a month before?

A. Yes.

Q. Is your boy, Frank, still working out there?

A. He is still working.

Q. Do you know whether he is a member of the C. I. O.?

A. What?

Q. Is he a member of the C. I. O.?

A. Yes, he is a member of the C. I. O.

Q. He belongs to the C. I. O.?

A. Yes.

Q. Do you know when he joined?

A. Who joined?

Trial Examiner McCarthy: You can develop that with that witness, can't you? It is hearsay on his part.

Mr. Ford: It is hearsay.

Trial Examiner McCarthy: It may be the best 268 evidence at that, though.

Mr. Ford: May we go off the record for a moment?

Trial Examiner McCarthy: Yes.

(Discussion off the record.)

The Witness: The inspector told me, he say—or I told him, I say, I can't pay dues, we can't get no conditions, we can't get no meetings, we can't get nothing over here.

He says, "All right, you wait until 1938, we are going to check off every man here, and we will chase everyone from here that don't pay dues."

Q. (By Mr. Ford.) That is what that fellow Louie told you?

A. Yes, sir, that is, who belong to the C. I. O.

Q. They are going to have a check off?

A. The company is going to have a check off, he say, it is not very long, he say, and if you want to stay on your job you pay dues; you had better stay away from the C. I. O. and you will have a job steady.

Q. Did Louie say anything to you that you had better join because everybody in the plant was going to have to join?

A. No, John Kovatch told me about six hundred members, he got it already. That is why I signed. He say, "Why don't you want to sign, we have six hundred members here."

Q. Did he say anything about a closed shop? Do you know what a closed shop is?

A. Yes. He no say me nothing.

269 Q. He just said to pay dues?

A. Yes.

Trial Examiner McCarthy: Louie said there was to be a check-off.

Q. (By Mr. Ford.) I mean Louie.

A. Yes.

Q. Did Louie say anything about a closed shop?

A. No, he never say nothing.

Q. Only you had better pay dues?

A. He say the company is going to check off everybody, so it is the C. I. O. which is going to get dropped out. I say, "I no believe that."

He say, "You wait until 1938."

Q. He said you will have to wait until 1938 and everybody will have to pay dues?

A. He say, "If you don't pay dues in the inside union everybody get away from job."

Q. Do you know whether Louie is an officer in the inside union?

A. I don't know. I know only one thing, he collect dues.

Q. He is a collector?

A. That is all. He got it some kind of a seal, like a seal, and he put a sealing on it, and I pay 50 cents.

Q. (By Trial Examiner McCarthy.) He stamps a little receipt?

270 A. Yes.

Q. (By Mr. Ford.) He stamps a little receipt and give it to you? Does he give you a receipt?

A. No, he give me a book, and he just put in the book.

Q. Just put the stamp in the book when you pay?

A. Yes.

Q. Does Louie work in the same department you do?

A. The same.

Q. How far away from you does he work?

A. Oh, he working—he no working in the same place, he go all around.

Q. (By Trial Examiner McCarthy.) He is an inspector?

A. Yes.

Q. (By Mr. Ford.) And he goes around in that department?

A. Yes.

Q. Do you know whether Louie is still working at the plant?

A. I left him over there when I got laid off, I never see him.

Q. You don't know whether Louie was fired or what happened to him?

A. No, I don't know. I left him in the shop after I got laid off.

Q. Did anybody else ever tell you that you had to pay dues in the union in order to keep your job?

A. John Kovatch.

271 Q. John Kovatch told you?

A. I pay him one time, yes.

Q. What did John Kovatch tell you?

A. He told me I had to pay dues every month.

Q. He said you had to pay dues every month?

A. Yes, I don't know for who. I give him them one

month. He say, "You know that inspector", he say, "You are going to pay every month if you want to stay on the job here."

I say, "All right."

That is what I told him.

Q. John Kovatch is not your boss, is he?

A. No.

Q. Who is your boss?

A. His name is Bill, I don't know his second name.

Q. Bill Morely?

A. I don't know what is his second name. There are three bosses where I started to work, one Bill, I don't know what they call the other one, Mr. McKinley, something like that, and then another one, the big boss.

Q. McElroy?

A. I don't know his name.

Q. Did Bill ever tell you you had to pay dues?

A. Who is Bill?

Q. Your boss.

A. No, sir.

272 Q. Did this Mr. McKinley or McKinney ever tell you you had to pay dues?

A. Nobody only John Kovatch.

Q. Just John Kovatch?

A. Yes, sir.

Q. Did Mr. McKinney—

A. Yes, he was my boss before that.

Q. Did Mr. McKinney ever tell you that you had to pay dues?

A. No, he never say nothing.

Q. Did any boss ever tell you you had to pay dues?

A. No.

Q. Now, tell me some more about Louie and his activities, when you say Louie came up to you and told you you had to pay dues, you had better pay your dues if you wanted to stay on the job.

A. Yes, I was working on the job, and he come and told me every month.

Q. (By Trial Examiner McCarthy.) Were you working on the job?

A. Yes, I was working on the job.

Q. (By Mr. Ford.) Was anybody else around there when he told you that?

A. Some of my buddies grinding across from me.

Q. Some of your buddies grinding across from you?

A. They never heard that, because he just told me.

273 Q. He just came to you and told you?

A. I told him I refuse to pay dues, I don't want to be noticed. He say the company is going to have a check off and every member is going out that don't pay dues, if you want to save your job you pay dues; if you don't pay dues, you get out of here.

Q. Did Stanley Staske ever tell you you had to pay dues?

A. No, sir.

Q. Stanley Staske never told you that you had to pay dues?

A. No, sir.

Q. Did the time keeper ever tell you?

A. No, sir.

Q. Nobody but John Kovatch? And Louie?

A. John Kovatch, and Louie.

Q. Those are the only ones?

A. Those two.

Q. Nobody else?

A. Nobody else.

Mr. Ford: That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) Did you see John Kovatch or this other man collect the dues, collect from anybody else besides you?

A. I saw two men pay John Kovatch at the time I pay, I don't remember—two guys pay at the time I do, I
274 don't know their names.

Q. (By Trial Examiner McCarthy.) You don't know their names?

A. I forget even their face. I pay him. He say "the next time you pay the inspector."

I say, "I don't know him."

He say, "The inspector works over there in the same department, Louie."

I say, "All right."

Mr. Reynolds: That is all.

Recross Examination.

Q. (By Mr. Ford.) Was your boss standing there when Louie came around to you?

A. What boss?

Q. When Louie came around and said you had to pay your 50 cents, was your boss there, was Bill there?

- A. No, I never seen Bill there.
Q. Was McKinney there?
A. No, sir.
Q. You didn't see them around there?
A. No, I didn't see nobody there.
Q. Nobody was around like that?
A. No, sir. He told me I had to pay dues if I want to stay on the job.
Q. But your boss was not there?
A. No, sir, and he give it to me secret, nobody see him.
275 Q. Nobody heard it, it was a secret?
A. Yes.
Q. Just between you and Louie?
A. Yes.
Q. And you and John Kovatch?
A. Yes.
Q. Nobody else heard it?
A. No.
Mr. Ford: That is all.

Cross-Examination.

- Q. (By Mr. Wham.) Are you still employed there?
A. Yes.
Q. (By Trial Examiner McCarthy.) Do you still work out there at the 39th Street plant?
A. No.
Mr. Ford: He is laid off.
Q. (By Mr. Wham.) When were you laid off?
A. January 5, 1938.
Q. Did you stop paying dues to the Independent Union?
A. Yes, after they laid me off I stopped.
Q. Did you pay up to the time they laid you off?
A. I paid one time because they say they give me back work.
Q. In other words, you paid dues up to the time that you were laid off and once afterwards, is that right?
A. Once after that.
276 Q. (By Trial Examiner McCarthy.) Once after you were laid off?
A. Once after I was laid off.
Q. You paid dues?
A. I paid dues, yes, sir, because I think they would put me to work. I was to see Mr. Skeets, and Mr. Skeets say,

"Go ahead and see Mr. Stanley, maybe he will give you some kind of a job outside."

Q. (By Mr. Wham.) Who said that?

A. The superintendent.

Trial Examiner McCarthy: Skeets.

Q. (By Mr. Wham.) Skeets said that?

A. Skeets, he say he has nothing to do with me, he say go over and see Stanley, maybe he find you a job some kind outside.

I go in to Stanley and I say, "I pay dues when I was laid off."

He say, "I don't give a damn if you pay dues, it is your union, the company don't have anything to do with it."

I say, "All right, I will pay no more."

Q. Stanley's contention was that the company does not have anything to do with it?

A. Yes, sir.

Q. Did he say that the company does not have anything to do with that?

277 A. Yes, sir, I said I pay my dues when I was laid off; and he say the company doesn't have anything to do with that.

Q. Did you talk to Stanley after that first time?

A. Yes, I talk to him a couple of more times.

Q. Before you were laid off did you talk to Stanley after Frank was employed? Before you were laid off?

A. No.

Q. In other words, the first time you talked to Stanley after Frank was employed, Stanley told you the company had nothing to do with the union?

A. Yes.

Q. (By Trial Examiner McCarthy.) That was after you were laid off?

A. That was after I was laid off, yes. I asked him—I say, "It is pretty hard to lay off, I was poor people, me and my wife, I no can pay the rent or nothing."

I say, "Skeets sent me over here to find out if you give me a job outside."

He say, "There is nothing outside because we are going to lay off more people outside."

He say, "We will call you up the first job we have got open."

That is what he told me.

Mr. Wham: That is all.

Redirect Examination.

278 Q. (By Mr. Reynolds.) How much dues did you pay, Mr. Solinko?

A. I pay him eight times.

Q. (By Trial Examiner McCarthy.) Eight times, how much each time?

A. 50 cents.

Q. 50 cents you paid eight times?

A. Yes, sir.

Trial Examiner McCarthy: All right.

Mr. Reynolds: That is all.

Recross Examination.

Q. (By Mr. Ford.) Just a couple of more questions.

Do you know why you were laid off?

A. What?

Q. Do you know why you got laid off in January, why you were laid off down here in January?

A. In January?

Q. Why, yes.

A. I don't know, nobody say anything.

Q. You were just laid off?

A. I was laid off. The time keeper come where I was working on the job, and he say, "They want you in the office."

I got in the office, and there was about three guys in there altogether. He say, "Pete, I am sorry for you, your work is all right, you are a good guy for work, I ain't
279 got no kick, you have to be laid off."

What am I going to do, I don't know, he say, "I have orders to lay you off, you come in the office and get your pay."

I go in the office with Stanley, Mr. Stanley say, "O. K. what you want?"

*I said they said they sent me over for some pay.

He say, "Yes", and he looks around and took my pay and another guy's pay. He say, "That is two pays for you, you paid for tomorrow, it is pay for two days you worked. When we get a job we will let you know, sign your name and address over here."

That is what he told me.

Q. Were there others that got laid off too?

A. Yes.

Q. And then, as I understand it, Pete, you went over to see Stanley?

A. Yes, sir.

Q. Skeets told you to go over and see Stanley?

A. No, no.

Trial Examiner McCarthy: That was sometime later.

The Witness: Bill, the boss.

Q. (By Mr. Ford.) Bill, your boss?

A. Yes. I say, "Where shall I go?"

He say, "Go in the office and see Stanley."

280 Q. You told Stanley you would like to get a job outside?

A. No, that was a week ago.

Trial Examiner McCarthy: No, that was a week ago; that he was referring to.

The Witness: That was a week ago.

Q. (By Mr. Ford.) That was a week ago?

A. Yes. He said there was nothing there because we are going to lay off some more people.

Q. Lay off some more?

A. Yes.

Q. Who did you tell, having paid your dues you thought you should keep your job? Did you tell that to Stanley?

A. No, I no tell that to Stanley.

Q. Who did you tell that to?

A. Tell what?

Q. Do you remember you said something about paying your dues and you thought you should keep your job, and when he said it didn't make any difference you stopped paying?

A. I told Mr. Skeets after I got laid off, if you have a job of some kind outside for a while.

He say, "I don't know nothing about outside, go in and see Stanley, the employment man."

He says, "If he has got it, he will put you outside, and O. K. for me."

I go and told him I was talking to Mr. Skeets, and
281 Mr. Skeets say I come and see you. I say, "I am paying dues in the inside union and I want a job."

He say, "You can't get a job now because we are going to lay off more people. I don't care whether you pay dues or not, that is your union, the company has nothing to do with that."

That is what he told me. I told him, "How soon are you going to start up?"

He say, "I don't know, when we get a job, as soon as we do, the first job, I will call you."

He say he would call me the first job.

Q. The first open job he would call you to come back to work?

A. That is what he told me.

Mr. Ford: 'I think that is all.

Trial Examiner McCarthy: That is all.

Mr. Ford: Thank you.

(Witness excused.)

Mr. Wham: May I have Mr. Forest A. King take my place until noon?

Trial Examiner McCarthy: Yes.

(At this point Mr. Wham retired from the hearing.)

FRANK SOLINKO, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

282 *Direct Examination.*

Q. (By Trial Examiner McCarthy.) What is your name?

A. Frank Solinko.

Q. And your address?

A. 2514 South California.

Q. (By Mr. Reynolds.) Are you employed by the Link Belt Company?

A. Yes, sir.

Q. Are you the son of Pete Solinko who testified just before you?

A. Yes, sir.

Q. How long have you worked for the Link Belt Company?

A. Since April 28th.

Mr. King: Talk a little louder, please.

A. Since April 28th, that will be a year this April.

Q. (By Mr. Reynolds.) Now, when did you first apply for a job at Link Belt?

A. Well, I couldn't recall that.

Q. Was it sometime prior to April 28th?

A. It was before that.

Q. (By Trial Examiner McCarthy.) About how long?

A. About two months, something like that, I just couldn't recall the exact time.

Q. (By Mr. Reynolds.) Now, was April 28th a day 283 that you met your father at the company?

A. April 28th, no, that was the day I went to work already.

Q. Talk louder.

Trial Examiner McCarthy: You see, the stenographer has to take it all down.

A. Yes.

Q. (By Mr. Reynolds.) Well, describe how you got the job there. What did you do to get the job there?

A. Well, I went there quite a bit of times, and my dad was supposed to be there to talk to Mr. Staske.

Q. (By Trial Examiner McCarthy.) That is, Stanley?

A. Stanley, about the job.

Q. (By Mr. Reynolds.) Did you hear the conversation, did you hear him talk to Staske, Stanley Staske?

A. A few times.

Q. (By Trial Examiner McCarthy.) Were you there when he talked?

A. Yes, several times.

Q. (By Mr. Reynolds.) Now, the last time before you went to work do you remember what was said between your father and Mr. Staske?

A. I remember his asking about the union when I was over there.

Q. (By Trial Examiner McCarthy.) Who asked?

A. Mr. Staske.

284 Q. What did he say?

A. He asked how strong it is.

Q. Go on, just tell the conversation, what happened.

A. Well, I can't remember the conversation, I didn't pay much attention, but I do remember that he did ask how strong the union was, the C. I. O. He did ask him how strong the C. I. O. was, and then he had a conversation with him then. I didn't pay no attention.

Q. (By Mr. Reynolds.) And then what did you do, did your father stay there in the room?

A. I believe we both left at the same time.

Q. You left with the others?

A. That is right—no, he went and I stayed there and I filled out another application blank, and he looked it over, and he sent me up to the doctor.

Q. (By Trial Examiner McCarthy.) Who looked it over?

A. Staske.

Q. (By Mr. Reynolds.) Then what did he do?

A. He made me fill out an application blank for work. I had one there before, the last time I come there, but he made me fill out another one, and he sent me to the doctor.

Q. How long were you in there after your father left?

A. Long enough to fill out the application blank.

Q. (By Trial Examiner McCarthy.) How long was that?

A. (By Mr. Reynolds.) How long did that take?

285 A. It didn't take over ten minutes.

Q. And then where did you go?

A. I went to the hospital, to the doctor, and got examined.

Q. Well, how much later did you go to work?

A. The next day.

Q. The next day?

A. Yes, sir.

Q. And this last interview with Mr. Staske was on the 27th if you went to work on the 28th?

A. That is right.

Q. Then when you came back on the 28th, what did you do?

A. Well, I went in to see Mr. Staske. I came there, I don't know, but I will say about nine o'clock, and he said I come out all right with the examination, the physical.

He says, "Go get your clothes and come to work."

So I come to work, and I worked, and Russell Erickson came up to me—

Q. And who is Russell Erickson?

A. At that time he was the time keeper.

Q. What did Russell Erickson say?

A. Well, he says they are organizing two unions, the Independent and the C. I. O. And he had a slip there and he says, "How would you like to sign with us, the slip I have, of the Independent?"

I stalled around, I says, "I don't know." I says, 286 "I may later on, I will let you know."

He says, "The best thing for you, I would sign it right now."

So I signed it because he says that. He says, "You know, if things go slack, the C. I. O. will be laid off before the Independent will."

So from what he told me, I signed it.

Q. Now, did anyone after this ever approach you about the union?

A. Well, Mr. Russell Erickson, and Mr. Gredes, something like that.

Q. (By Trial Examiner McCarthy.) How do you spell that?

A. G-r-e-d-e-s, I guess.

Mr. Reynolds: That is K-r-e-s-g-e, Kresge.

Q. (By Trial Examiner McCarthy.) What kind of work does he do?

A. He is in the office at the foundry.

Q. (By Mr. Reynolds.) What is his job?

A. I don't know, timekeeper, or something like that.

Q. And they both came up together?

A. They came up to me while I was working, and Kresge says, "Why can't you sign the Independent Union?"

I said Russell asked me, and he tried to check on Russell.

Q. (By Trial Examiner McCarthy.) Who tried to check up?

287 A. This other fellow, Kresge, I says, "I am telling you that he did," and he was trying to check up. He says, "Why don't you sign the Independent?"

I said, "I have just told you."

That is the reason why they came up to me, because later on at the first C. I. O. meeting I signed the C. I. O., when I was in the Independent. Somebody told that I signed in the C. I. O., and that is the reason they came up to me, they asked me to get the affidavit I signed at the C. I. O. and bring it to him.

Q. (By Trial Examiner McCarthy.) To Kresge and Erickson?

A. Yes, they said to get that affidavit, and return it to them.

Q. (By Mr. Reynolds.) Then what did you say?

A. Well, I said I will try to get it, but I says, "I don't know if I will get it."

That is just what I told them.

Q. (By Trial Examiner McCarthy.) What affidavit is that?

A. The one right there (indicating).

Q. How did you happen to sign an affidavit?

A. I went to one of their meetings.

Q. Whose meetings?

A. The C. I. O.

Q. The C. I. O. asked you to sign an affidavit?

A. No, they didn't ask me to, but they asked me 288 whether I signed with the Independent, and the reason

I signed with the Independent. I didn't know much about it, I thought the best thing was to sign up, since I was getting a job. After I seen there was more of a majority in the C. I. O., I joined over myself.

Q. (By Mr. Reynolds.) Did they ever ask you any time later—

A. Who?

Q. Mr. Erickson or Mr. Kresge, about that matter?

268 *Witness for National Labor Relations Board.*

A. They never bothered me after that, only that one time, they asked for the return of the affidavit.

Q. Now, did you ever pay any dues in the Independent Union of Craftsmen?

A. Not myself, but I believe my dad paid.

Q. (By Trial Examiner McCarthy.) For you?

Q. (By Mr. Reynolds.) For you?

A. Yes.

Q. Did you ever see anybody collecting dues?

A. Well, not exactly, I seen the guy there, but I don't know whether he was collecting dues or what.

Q. What was he doing?

A. He was going around talking to the fellows, but I didn't pay no attention, I was doing my work.

Q. He didn't speak to you?

A. No, sir.

Mr. Reynolds: Mark this the next Board Exhibit number.

289 (Thereupon the document above referred to was marked "Board's Exhibit No. 12", for identification.)

Q. (By Mr. Reynolds.) I show you Board's Exhibit 12 for identification and ask you what that is.

(Handing document to witness.)

A. That is the affidavit I filled out.

Q. Is that the affidavit that you were discussing with Mr. Kresge and Mr. Erickson?

A. Yes, sir, they wanted me to return the affidavit that I filled out at the C. I. O. meeting.

Trial Examiner McCarthy: Is there any objection to that?

Mr. Ford: None whatever.

Trial Examiner McCarthy: It may be received.

Mr. Ford: Except that it is cumulative testimony, but I would like to have it in.

Mr. Reynolds: I offer it in evidence as Board's Exhibit No. 12, the affidavit.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "BOARD'S EXHIBIT NO. 12", for identification, was received in evidence.)

Mr. Reynolds: That is all I have.

Cross-Examination.

290 Q. (By Mr. Ford.) Mr. Solinko, did Stanley Staske say anything to you about joining the union when you were in his office?

A. No, sir.

Q. After your father left the office you filled out a new application blank?

A. Yes, sir.

Q. You then went to the doctor for a physical examination?

A. Yes, sir.

Q. And he told you to come back the next day?

A. He said to come in the next day and I will see how you come out with your physical examination, if you do, you can go to work.

Q. That was right after your father went out of the office?

A. Yes.

Q. Five or ten minutes?

A. Yes.

Q. Something like that?

A. Something like that, yes.

Q. Did you hear Staske say anything to your father about unions except inquiring how strong they were?

A. Well, he was asking about them, how strong was the C. I. O.

Q. Did you hear him say anything else about the C. I. O.?

291 A. I didn't pay no attention, but I do remember that.

Q. Now,—

Trial Examiner McCarthy: Just say yes or no, if you don't know, say no.

Q. (By Mr. Ford.) You don't remember anything else that he said about the unions?

A. No, but I do remember that he asked him how strong they were.

Q. Just that one thing?

A. Yes, how strong they were.

Q. Nothing else?

A. No. He did say, does he belong to any of them. I remember that.

Q. (By Trial Examiner McCarthy.) Does who belong?

A. My dad.

Q. (By Mr. Ford.) Did your dad say no?

A. He said he never did belong to a union.

Q. And that was all that was said?

A. Yes.

Q. Did Stanley ask you if you belonged to a union?

A. No, sir.

Q. Did he ask your father if you belonged to a union?

A. No, sir.

Q. Did you talk to him at all about a union?

A. No, no, no conversation at all about a union.

292 Q. At any other time did Staske ever ask you about the union?

A. I never saw him after that.

Q. He never asked you to pay dues to the Independent?

A. No, sir, I never did see Staske after I was hired.

Q. Who is your boss?

A. Mr. Olson.

Q. Did Mr. Olson ever tell you to join a union?

A. He never did.

Q. Did Mr. Olson ever tell you to pay dues?

A. No, sir, never.

Q. Did he ever tell you that you could not work if you didn't?

A. No, sir.

Q. Did anybody else tell you the only reason you got your job was the reason that you signed up in the Independent?

A. Just Russell.

Q. Just Russell?

A. He said it would be best to sign up with the Independent because if things go slack the C. I. O. will be laid off before the Independent.

Q. That is all that he said?

A. Well, he said it was the best thing to do.

Q. He said, I think it is the best thing to do because if things get slack the C. I. O. boys will go off first?

293 A. Yes, sir, he said, you know how that goes.

Q. So you signed up?

A. Yes, sir.

Q. During your conversation with Erickson and Kresge a few days later—

A. A few days later or a week later.

Q. Or a week later, whenever it was, did they tell you they knew you had joined the C. I. O.?

A. No, they said, why did I join.

Q. Why did you join?

A. Yes, the reason was because they found out—it must have been a week later, because I joined with the C. I. O., and somebody told them I filled out an affidavit, and that is the reason they came up to me, why I signed the Independent and then went with the C. I. O. They said, "You get that affidavit and bring it back to us."

Q. You told them at that time the reason you joined the C. I. O. was because you found out they had the strongest union?

A. Yes.

Q. Did they say that is how you happened to be given work?

A. No, they didn't know anything about that.

Q. Did they say that you had to pay dues in the Independent?

A. No, sir, they didn't know the reason, they 294 wanted to know why I joined the Independent and then filled out that affidavit.

Q. And then they wanted you to get it back?

A. Yes.

Q. The affidavit was signed, according to the jurat, on the 11th day of June, 1937.

A. Yes, sir.

Q. That was some little time after you had gone to work?

A. I started work in April.

Trial Examiner McCarthy: The 28th of April.

Q. (By Mr. Ford.) The 28th of April, and this was a couple of months later that you signed the affidavit?

A. Yes, sir.

Q. When did you join the Amalgamated Association of Iron, Steel and Tin Workers?

A. You mean the Independent?

Q. Let's check up by this affidavit.

Trial Examiner McCarthy: He says, which one do you mean?

Q. (By Mr. Ford.) I mean the C. I. O. How long before you signed this did you join the C. I. O.?

A. Well, I went to one of their meetings—

Q. Do you remember when that was?

A. I don't remember, but the first meeting I attended I filled out the affidavit.

295 Q. The first meeting that you attended you filled out your affidavit, and you filled out this affidavit at a union meeting?

A. Yes.

Q. What time of the day was the meeting?

A. It was after work.

Q. What?

A. It was after work.

Q. Around four-thirty in the afternoon?

A. Five o'clock.

Q. Four-thirty or five o'clock in the afternoon?

A. No, it was five or five-thirty, something like that.

Q. Now, an hour or so after you got out from work?

A. Yes.

Q. That was on the 11th day of June, 1937?

A. I couldn't recall the date.

Q. Do you know the corner of 39th Street and Princeton Avenue?

A. Yes, sir.

Q. Is that where the meeting was held?

A. It was, yes, sir.

Q. It was?

A. Yes, sir.

Trial Examiner McCarthy: Keep your voice up, please.

A. Yes, sir.

296 Q. (By Mr. Ford.) Is that a regular union meeting?

A. That is what I understood.

Q. Tell us what is located at the corner of 39th and Princeton?

A. Well, there is a tavern and next door there is a hall.

Q. Was this meeting held in the tavern?

A. No, it was in this hall.

Q. The meeting was not held in the tavern?

A. No, it was next door in the hall.

Q. Had you been in the tavern before you went into the hall?

A. Yes, sir.

Q. And had other members of Lodge 1604 been in there?

A. Lodge 1604?

Q. Whatever the number of it is.

Trial Examiner McCarthy: That is the C. I. O. Union he refers to.

A. They met in the hall, it was in the hall.

Q. (By Mr. Ford.) Were any of them in the saloon?

A. There were people in the saloon, I don't know whether they were members.

Trial Examiner McCarthy: What is the purpose of this?

Mr. Ford: I would like, with the permission of the Examiner, to inquire fully into the circumstances under which his affidavit was procured and signed.

297 Trial Examiner McCarthy: Was there any suggestion that he was full of liquor when he signed it?

Mr. Ford: No, I don't suggest that, but I can suggest other things that perhaps will be of interest.

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Ford.) Now, just tell us first who was present.

Trial Examiner McCarthy: May I see the affidavit?

Mr. Ford: Yes.

(Document handed to the Trial Examiner.)

The Witness: I couldn't tell you, I was a new one there, I can't remember the names.

Q. (By Mr. Ford.) Who wrote the affidavit out?

A. Some old fellow.

Q. Who?

A. Some old fellow.

Q. Some old fellow?

A. Yes.

Q. Take a look around this room and see if you see that old fellow.

A. No, I don't see the fellow, I can tell you one fellow who was there, Mr. Laekhouse.

Q. (By Trial Examiner McCarthy.) He was there?

A. Yes, sir, at the meeting.

Q. At the meeting at which you signed this affidavit?

A. Yes, sir.

298 Q. (By Mr. Ford.) Do you remember anybody else who was there?

A. That fellow (indicating).

Q. What fellow is that?

Mr. Reynolds: Salmons.

Q. (By Mr. Ford.) This fellow standing up?

A. I believe so, I couldn't say, I was a newcomer.

Q. You couldn't see very well?

Trial Examiner McCarthy: He didn't say that, he said he was a newcomer.

The Witness: I didn't pay much attention there.

Q. (By Mr. Ford.) When did you leave this meeting?

A. As soon as I filled out the affidavit.

Q. How long had you been there when you signed the affidavit?

A. Oh, fifteen or twenty minutes when I was there, and I filled out the affidavit and I stayed maybe ten or fifteen minutes or so, and then I left.

Q. Just tell us in your own words exactly what happened from the time of the signing of the affidavit, the very first activity, until you were through with it and left the meeting.

A. I don't understand what you mean.

Q. Just tell us exactly what transpired from the time you first talked about an affidavit.

Trial Examiner McCarthy: He mentioned the fact 299 that he had signed an affidavit in the first place.

The Witness: They knew I joined the Independent at the C. I. O. meeting. I told them, and they wanted to know all about it.

Q. (By Mr. Ford.) Who asked you whether you joined the Independent?

A. I don't know, I couldn't recall the fellow's name, I don't know him in fact.

Q. Was it somebody at the meeting asked you?

A. I guess he was the president, or whatever he was.

Q. What did he say to you?

A. He asked me whether I had joined the Independent or not. Well, if I joined the Independent, I couldn't join the C. I. O., and I wanted to get in the C. I. O. and he wanted me to fill out an affidavit, what did I join the Independent for.

Q. What did you say then?

A. I just filled out the affidavit, just the reason why I joined the Independent.

Q. Was there anything else said about signing the affidavit?

A. What?

Q. Was there anything else said about signing the affidavit?

A. No, but I wanted to join the C. I. O., and they wanted to know why I joined the Independent, so I 300 filled out an affidavit, the reason why.

Q. That is all you remember about that incident?

A. Yes, sir. I filled out the affidavit and I stayed there around ten minutes or so, and then I went home.

Q. Do you remember anybody who was there besides the two gentlemen you have pointed out here?

A. No, I don't.

Q. You don't remember anybody else that you can call by name, whether they are here or not?

A. I am not sure about this corner fellow (indicating), I am not sure about him.

Q. (By Trial Examiner McCarthy.) How many people were there, twenty-five or fifty?

A. Thirty.

Q. About thirty?

A. Yes.

Trial Examiner McCarthy: All right.

Q. (By Mr. Ford.) Where was the question of your joining the Independent first raised, was it first mentioned in the tavern or not?

A. The Independent?

Q. Yes, did that subject come up first in the tavern or after you went to the hall?

Trial Examiner McCarthy: The Independent or the C. I. O.?

301 Q. (By Mr. Ford.) Where did that question first come up on the subject of joining the Independent, the day you were asked to sign the affidavit?

A. That was at the meeting.

Q. Was it first mentioned at the meeting or was there some discussion about it at the tavern before you went over to the hall?

A. No, it was at the meeting, in the hall.

Q. Nothing said in the tavern?

A. No.

Q. Had you joined the C. I. O. at that time?

A. Yes, sir, the same day.

Q. You joined the C. I. O. at that meeting?

A. At that meeting.

Q. Are you willing to tell us fully all the circumstances which took place when you joined the C. I. O. and when you signed this affidavit?

A. I don't know—

Trial Examiner McCarthy: There was a suggestion that somebody used pressure or you got stewed.

A. No, I wanted to join myself, they are the majority, so I wanted to join.

Q. (By Mr. Ford.) You saw thirty people and you thought that was a majority?

302 Q. (By Trial Examiner McCarthy.) What is the majority for the Union? Do you know the number of people it takes to make a majority in the particular Union, or in the Local?

A. No, I don't.

Q. How many people, do you know, are in the Union?

A. At the present time?

Q. At the time you signed up?

A. I don't know, a few hundred. That is what interested me, that is what I understood.

Q. Not thirty?

A. When I went there that is what they had at the meeting, but I didn't stay until the end.

Q. (By Mr. Ford.) They had how many when you were there?

A. I will say thirty, but I didn't stay until the end.

Q. Is this hall a back room of the saloon?

A. It is a side hall.

Q. There is a door to the saloon?

A. There is a door to the tavern, yes, a side door.

Q. Just a sort of a side room off the tavern?

A. Well, half of this building.

Q. (By Trial Examiner McCarthy.) Is the room as big as this room?

A. No, half as big as this room.

Q. Half as big as this room?

A. Yes.

Q. (By Mr. Ford.) Half as big as this room, and 303 a door leading right off into the tavern?

A. Yes, a side door.

Q. Were there tables around in this hall?

A. No, not in the hall.

Q. What is in there?

A. Chairs, chairs and a little stage-like.

Trial Examiner McCarthy: Well, is there any suggestion in this case that the man did not properly join up, or what is the point? Otherwise, we will have to limit the cross-examination. If you can develop that, or give me some information, I will be glad to hear it.

Mr. Ford: The purpose of the examination, Mr. Examiner, is to lay a foundation. If we are not able to establish it by this witness, we will establish or at least endeavor to establish the fact that this man was coerced into signing an affidavit against his will.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Did any force you to sign this affidavit?

A. No, sir, there was nobody forced me; it was my own free will.

Q. Did you have a few drinks around that preceded that meeting?

A. I didn't have a drink.

Q. How did you happen to go to the meeting?

304 A. I heard about it, that they had a meeting, and I wanted to join.

Q. Did other fellows go up there from the plant with you?

A. No.

Q. Did you go up by yourself?

A. There were a few fellows outside.

Q. Outside where?

A. In front of the meeting.

Q. In front of the meeting?

A. Yes, sir.

Q. How far is that hall from the 39th Street plant?

A. It is in the next block.

Q. Is that on your way home?

A. It is right on my way home.

Q. Is it?

A. It is on my way home, yes.

Q. You pass the hall regularly there if you are going home?

A. Yes, sir.

Q. On the way home you pass this meeting hall?

A. Yes, sir.

Q. You saw some men outside. Then what happened? Did they pull you in?

A. No, I was going in myself.

Q. They did not?

305 A. There was nobody asked me to come in.

Q. They did not gang up on you in any way?

A. No, no, there was no frame-up at all.

Cross-Examination (Resumed).

Q. (By Mr. Ford.) Who were the men outside as you went by?

A. I am telling you, I just don't know.

Q. Do you see any of those men sitting here in the room?

A. No, sir.

Q. Would you know them if you saw them?

A. I don't think I would.

Q. Was it your custom to stop in at the saloon on your way home?

A. I was going to attend the meeting.

Q. How did it happen that you decided all of a sudden on the 11th of June to attend that meeting?

Mr. Reynolds: If the Examiner please, I object to this line of questions.

Trial Examiner McCarthy: Sustained. We will adjourn until one o'clock.

Mr. Reynolds: These two men would like to get away.

Trial Examiner McCarthy: Mr. Price can take over for you, can't he?

Mr. Reynolds: I mean Mr. Solinko and his son, he does not know the way back south, the old gentleman.

Mr. Ford: I am through with him.

306 Mr. Reynolds: I am through.

Trial Examiner McCarthy: Mr. King?

Mr. King: I think it has been covered—

Trial Examiner McCarthy: Did you give your name to the reporter?

Mr. King: Forest A. King.

Now, if you have sustained his objection to testimony along that line, I think I will waive further examination.

(Witness excused.)

Trial Examiner McCarthy: We will adjourn until one o'clock.

(Whereupon, a recess was taken until 1:00 o'clock p. m.)

307 After Recess.

(Whereupon, the hearing was resumed, pursuant to recess, at 1:00 o'clock p. m.)

Trial Examiner McCarthy: You may proceed, gentlemen.

Mr. Wham: Is Mr. Ford here?

Mr. Price: He will be a little late.

Trial Examiner McCarthy: Do you want to submit this motion to amend now or wait until Mr. Ford gets here?

Mr. Reynolds: Perhaps I had better wait until Mr. Ford arrives.

Mr. Price: We will object to it on the same grounds that Mr. Ford objected to it, it does not conform to the proof. That is the principal objection to it. The proof is in as to Salmons, and this amendment as drawn does not conform to that proof.

And then it is unfair, when we are already to answer one complaint, to amend it after the evidence is in and change the allegations.

Mr. Reynolds: I think it does conform to the proof of Mr. Salmons' testimony, absolutely. If his testimony is to be believed, there is nothing at variance with that.

Trial Examiner McCarthy: Let's hold it over until Mr. Ford gets here.

Mr. Reynolds: I want to offer at this time as a part of Board's Exhibit 1, the order designating the Trial Examiner in this case.

Trial Examiner McCarthy: Call your witness.

Mr. Price: This is to be a part of Exhibit 1?

Trial Examiner McCarthy: Yes.

Mr. Reynolds: Is there any ruling on it?

Trial Examiner McCarthy: It will be received
(Which said document above referred to was attached to and made a part of BOARD'S EXHIBIT NO. 1 in evidence.)

Mr. Reynolds: Mr. Lackhouse.

FRANK LACKHOUSE, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Trial Examiner McCarthy.) What is your name?

A. Frank Lackhouse.

Q. (By Mr. Reynolds.) What is your address?

A. 9607 Calumet.

Q. Are you an employee of the Link Belt Company?

A. I am.

Q. How long have you worked there?

A. I have about eight years' seniority.

Q. What department?

A. Core room of the foundry.

309 Q. Are you a member of the C. I. O.?

A. I am.

Q. The Amalgamated Association of Iron, Steel and Tin Workers?

A. I am.

Q. When did you join?

A. Oh, approximately about January of 1937, somewhere in through there.

Q. Now, prior to that time and at that time were you a member of any other labor organization?

A. Well, I happened to be a representative of the Employees Representation Plan that we had in our plant at the time.

Q. And when had you originally been elected to that position?

A. Well, six months previous to April 15th.

Q. 1937?

A. 1937.

Q. Were you a member of the Employees Board before September, 1936?

A. I was—wait a minute, pardon me, I couldn't say for sure.

Q. Are you acquainted with Mr. Louis Salmons?

A. I am.

Q. Do you remember when Mr. Salmons left the employ of the company for a period of three months in 1936?

310 A. I was there when he was discharged, yes.

Q. Were you a member of the Employees Board or a representative at that time?

A. I was.

Q. And had you been previous to that?

A. I was.

Q. Were you one of the plant representatives along with Mr. Salmons on that Board?

A. I was one of the seven, yes.

Q. About how often did the board hold meetings, Mr. Lackhouse?

A. As I recall, we had a meeting at ten o'clock on the last Tuesday of each month.

Q. And did you attend all these meetings or most of the meetings of the Employees Board?

A. We attended all of them if we were present at work, yes, sir.

Q. Now, what questions would be taken up at the monthly meetings?

A. Well, we usually took up grievances of the working men throughout the plant, all sorts of miscellaneous things.

Q. Did you ever discuss wage increases or changes in working conditions?

A. Well, there have been representatives who asked about wage increases and vacations, and all those things.

311 Q. Did you ever bring any proposal before the Board?

A. I, myself, no.

Q. Did you ever take up any grievances?

A. I did, yes.

Q. Who represented the management in those meetings?

A. Mr. E. L. Berry.

Q. Was he present at all meetings?

A. As I recall, yes.

Q. And how were decisions made on questions which would come up before the Employees Board?

A. Well, it was merely that we stated what we wanted to Mr. Berry, and it was either yes or no, or why, if not.

Q. And did you ever carry any matters beyond Mr. Berry if he turned you down; did you go any further?

A. No, we couldn't do anything about it if we couldn't get it from him, it was impossible.

Q. Did the Employees Board have any general meetings of all of the employees in the plant?

A. Not that I recall, no. There was only seven representatives from the departments present at the meetings.

Q. Did you collect any dues from the employees?

A. No, no dues was transacted.

Q. Did you receive pay from the company for the time you spent in those meetings?

A. Well, our meetings usually lasted about an hour,
312 and when I used to leave my department I always use to punch out a separate card for the time that I was listed for the Employees meetings, and when I would get back I would punch in again. I don't recall just how that was charged up, although I was paid for the time I lost, regardless.

Q. Now, was Mr. Salmons' discharge ever discussed in any of these Board meetings?

A. Well, there was a little said at one of the meetings there, which had to be said for the simple reason that Mr. Salmons was a representative himself, and seeing that he was discharged it left us with an opening, we had to elect a new representative. Well, the reason for his discharge, as I recall—Mr. Berry told us why he was discharged.

Q. What did he tell you?

A. Well, as I remember, soliciting. He told about

finding a lot of blue C. I. O. cards over in D. K. and throughout the plant, and he knew that he was organizing throughout the plant. I know that—

Q. Did he say anything else about the C. I. O. at that time?

A. Well, he never did, he never did say anything really against it, that I recall. He never did knock it, that is, in my presence.

Q. Did you continue to serve as a representative after Mr. Salmons' discharge?

A. I still remained a representative, and Greenlee 313 was elected in Louis Salmons' place.

Q. (By Trial Examiner McCarthy.) Is that Bill Greenlee?

A. Bill Greenlee, yes, sir.

Q. (By Mr. Reynolds.) Then you say in 1937, January, 1937, you joined the C. I. O.?

A. Well, I really didn't sign a card. I joined in a way, but I was afraid to expose myself to the fellows that I was in it, see, and I really didn't sign up until a couple of weeks after, in February. That is when I really signed up.

Q. Did you engage in soliciting members for the C. I. O.?

A. Not at that time, no.

Q. What were your activities; did you attend meetings?

A. Well, we used to get in—to tell you the truth, I never really got in soliciting any members or anything, but I use to hear so much about the C. I. O. being organized, and that Louis was organizing it, throughout the plant, that I thought I would join up with them, see, but I was not sure what it was all about yet.

Q. You continued to go to the Employee Board meetings?

A. Yes, I did.

Q. How long did you attend the Employee Board meetings?

A. Well, I attended the board meetings until the Wagner Act was in force and they threw out all the company unions?

Q. And what happened then?

A. Then a special meeting was called, I don't re- 314 member the date exactly, but we were all called into the office by Mr. Berry's request.

Q. You mean the representatives?

A. The seven representatives, yes, sir.

Q. What took place in the office?

A. Well, Mr. Berry stated that the Wagner Act did not allow company unions, and seeing that we were one, that, while he really didn't give us any advice on keeping the thing going, it was up to us fellows whether we wanted to resign or stay, I don't just remember what, but I know we all resigned, and that was all there was to the Employees Board.

*Q. Did anything happen two or three days later?

A. Yes, it was about two or three days later, I was working, and Ray Frohling—

Q. (By Trial Examiner McCarthy.) Who?

A. Ray Frohling. I don't know whether that is his first name, but Frohling is his last name. He approached me. Ray Frohling is a machinist over there in the machine shop. I was over in the foundry.

Q. (By Mr. Reynolds.) Did you know him before?

A. He was a representative on the Employees Board.

Q. What did he do?

A. I was over in the foundry department. That is about three-quarters of a block from where he worked. 315 It was ten o'clock in the morning, as I recall, he came up to me and asked me what I think of organizing a union of the men, the working men throughout the plant.

Well, I didn't know what to think. I says, "That ought to be a pretty good idea if it is run right, I guess."

Q. And what did he say?

A. Well, after I give my answer that I would help him out that day, and if the thing is run right, we would organize and solicit members, he went back to work.

So about eleven o'clock, which was an hour later, he came over and handed me a sheet of paper, sheets of paper, and the first sheet had a little heading on it, and the rest were blank.

Q. And what did the heading say, do you remember?

A. The heading, I can't recall exactly what it said, but it had something, the name of the union, I can't recollect, but it had a small heading, about joining up in the union and the rights of the union.

Q. Was that the present union that is operating out there?

A. I wouldn't say, I wouldn't swear to it, no, I wouldn't swear to it, but it was some kind of a union. I wouldn't swear to it, because I don't remember exactly.

Q. What else was on the paper which had this heading? Was there anything, or just the heading?

A. Just the heading, the rest of the sheets were all 316 blank. I was told to go ahead and solicit with this paper, to go around with it. It was about eleven o'clock at that time. At this time I didn't pay much attention to it, I was not much induced to go around anyhow, so I thought I would wait until noontime and really find out what it was all about.

So at about twelve-twenty, around noontime, I walked over to the machine shop and I met Ray Frohling. He sat out by his machine eating his lunch. I said, "Ray, what is this all about?"

He is present right here now, I am looking at him.

I said, "Ray, I wanted to talk to you and find out what it is all about."

I didn't know really what I was doing, I wanted to find out if it was legitimate.

He said, he didn't know much about it, Brucker was supposed to have gone in to see the manager and get permission to solicit members throughout the plant. That is as much as I got from him.

Mr. King: I move that last part be stricken. I object to the last part and move that it be stricken as irrelevant and hearsay.

Q. (By Trial Examiner McCarthy.) How do you know that Brucker got permission?

A. I am saying that according to what Ray Frohling told me.

Trial Examiner McCarthy: Objection overruled.

317 Q. (By Mr. Reynolds.) Was there anything further said between you and Frohling there?

A. No, that was all that was said.

Q. Then what did you do?

A. Well, after that the whistle blew and I went back to work, and I started working on my job there—Ray Frohling—pardon me, I will go back—Ray Frohling told me I was supposed to go ahead and do this and not be seen, to do it under cover. It seemed kind of funny to me. I went back to work, and I said to my boss—he was an awfully nice fellow—I told him what I was up against, I didn't know, I had got along that far with him, so I went up there and told him about it.

Q. (By Trial Examiner McCarthy.) Who was your boss?

A. My boss is Al Nyberg. So I told him that fellow Ray Frohling came around and we were organizing throughout the plant, see; and he told me, "Well, if you have to, you have to, Frank, so you might as well go ahead on it."

I told him I would get out when I had done my work, I was working on a job at that time. I didn't pay much attention to it. It was about half an hour after that time when Mr. Olson, the assistant superintendent in the foundry, I guess that is his title, he came up to me and he brought me upstairs to the hub room, and he compared the differences between the outside union and the inside union; and he told me about it up there, how much better off we would be if we organized amongst us fellows, among our fellow workmen ourselves and kept the outside union out, that you will never get anywhere with them, just striking all the time, and give me the differences, and I listened to him about it. I went around that afternoon, left my job and went around all that day until quitting time.

Q. (By Mr. Reynolds.) What were you doing?

A. I was going around with the blank paper, signing fellows if they wanted to sign up.

Q. What did you say to them?

A. I would say that this was a union among the working men. If they didn't sign, if they didn't want to sign, I didn't bother them. At the same time—it seems to me at that time we had about 360 men working in our foundry, and I was going through the—I don't just recollect the names on the paper, but Mr. Shaskinskis—

Q. (By Trial Examiner McCarthy.) How do you spell that?

Mr. Reynolds: S-h-a-s-k-i-n-s-k-i-s, that is the way I have it.

The Witness: He happened to be a foreman in that department, and I went in there and told Bill—that is his first name—I says, "I am sent around to sign up the fellows."

He took the sheets in my hand—the first sheet I had 319 already filled, with the heading on it, and I had nothing but blank sheets left, and he went around the machines, the molders right off the side floor there, and he told them to sign up for the Inside union here, and he signed up I believe ten, and about five of them he signed

up in his own handwriting. The majority of them in the foundry don't know how to write.

Q. (By Mr. Reynolds.) And did you see him sign up these other men?

A. I seen him sign up actually about seven or eight, I am sure, in his own handwriting. He went as far as one crane man who was working right above him, and he was going up to him and he was going to explain what it was all about, and he says, "Oh, heck, he don't know how to write," so he wrote down his name, too.

I don't remember his name, I know it was John, the crane man in his department. I just don't know his last name.

Q. And then did Mr. Shaskinskis give you back the paper?

A. Yes, he returned them back to me after he had the names on them.

Q. And what did you do then?

A. I kept on soliciting until it was time to go home. Well, it was about twenty-five after four when somebody told me Bill Greenlee was over in the foundry looking for me. I actually found him when I got back to the room, he was really waiting for me. I turned in all the 320 names I had. I think I had about forty names I signed up out of the whole 380.

Q. Now, do you remember the date that you did all this?

A. It was two days after April 16th, somewhere in there, after the Wagner Act was in force, somewhere in through there.

Q. About the 18th of April?

A. Somewhere in there, yes.

Q. Now, did you do any more of this solicitation work the following day?

A. I turned in my list—after I turned in my list I noticed the following day they had a little fellow from the steel floor, his name is Zenon Petrouski, Jr.; I noticed that he went around with the list the following day. I noticed that he was going through all the departments. I wouldn't say, I can't tell you that he got paid for it or if he was doing it on company time or his own time, but I know that he went around all day long, and I remember him saying to me himself that he stayed overtime that night to sign up some of the night men.

Q. Did you receive pay for the work you did?

A. I left my ticket, and I worked on the same ticket afterwards that I was working on when I left my job. I got paid for it. I was not short any hours on my weekly pay, so I must have got paid for it.

Q. Did you see anyone else besides Zenon Petrou-321 ski soliciting on that next day after you solicited?

A. They had a few of their apprentices over there soliciting.

Q. Who did?

A. I don't know who, but I know—I just can't recall his name, Lubenkob, he was one of them, and an apprentice over there. I really can't remember the names of any more.

Q. How long did this solicitation continue?

A. I couldn't tell you exactly how long, it was a few days.

Q. And then did anything else happen after a few days?

A. Well, as far as solicitation is concerned, that has been going on for quite a while, but I don't know—well, I remember of a steward, one of the stewards making collections throughout the plant.

Q. (By Trial Examiner McCarthy.) Steward of what?

A. Steward of this Independent Union. I have seen one in particular, Walter Bolton, collecting dues off of fellows on the steel floor in the presence of Olson not more than ten feet away from him, and I don't think he was collecting dues without a boss not being able to see him.

Q. (By Mr. Reynolds.) What further steps were taken toward the organization of the Independent Union of Craftsmen?

A. I don't really know. It seems after I turned in my list the first time, I was sort of ignored anyhow. It seems anyhow when I was not picked to go around the following day, they knew there was something fishy about me, 322 so they didn't have me go around any more.

Q. Did you take any part in the Independent Union after that?

A. No, I have never as much as signed up or paid any month's dues.

Q. Did you attend any meetings?

A. I have never attended any meetings.

Q. Now, were you familiar with the work the C. I. O. members did in soliciting memberships there at the plant?

A. Oh, yes.

Q. How has that work been carried on?

A. Well, the way we used to do it is always see the fellows at noontime or after work, and we used to pass out leaflets, and we used to get them up to meetings, and that is the way we used to organize our bunch.

Q. Did you ever see open soliciting around the plant for the C. I. O.?

A. Yes, that went on all the time.

Q. Openly in front of the bosses?

A. I have seen fellows, yes, that is what I did.

Q. You solicited for the C. I. O.?

A. I solicited for the C. I. O., but not in the plant.

Q. Did you see others soliciting for the C. I. O. in the plant?

A. I wouldn't say whether I did or not, I don't know.

323 Q. Do you remember seeing that?

A. I don't remember seeing anybody, no.

Q. Now, has your foreman or any other foreman ever said anything to you about the relative merits of any labor organization outside of the talk that Mr. Olson had with you?

A. No, sir, Olson is the only one. My boss has never talked about unionism to any of us. As far as he was concerned, he didn't care, and the way he felt he was sort of afraid of any union in the shop, he didn't care what. He never bothered about that at all. I have never heard him say anything to any fellow about signing up in any of them.

Mr. Reynolds: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) You spoke about Salmons' discharge.

A. Yes.

Q. Bill Greenlee was elected to his place?

A. Yes, sir.

Q. What do you know about Salmons' discharge?

A. Well, I just know that he was organizing throughout the plant and that is why he was discharged. Everybody—

Q. When?

A. When? I just couldn't tell you exactly.

Q. You say organizing throughout the plant; what do you mean by that statement?

324 A. Well, he had brought C. I. O. cards and his name was on every one of them. Everybody knew who Louis Salmons was. You didn't have to ask anybody.

Q. Yes.

A. Every union card, every blank card had his name signed on the bottom of it, and lots of them used to be throwed around the plant.

Q. By whom?

A. I imagine by fellows that they were signing up. I suppose they were dropped all over. I don't know, I couldn't tell you about that.

Q. Did you see Louis Salmons soliciting on company time?

A. I haven't seen him, no, he is way over on the other side of the plant.

Q. Do you know what was on that heading Mr. Reynolds asked you about, these sheets that you went through the plant with? Do you know the substance of it, or the gist of it? Was it a request—

A. A request, an application for a union, but I can't just remember the heading, I wouldn't say Independent Union because I am not sure. That is why I won't say. Well, it really seemed that for the first few days that we went around with these blank sheets, and it was only after that that I noticed that they had regular application cards, white application cards made. I don't
325 know where they came from, but I saw them throughout the plant, and fellows got the stubs that signed up at that time.

Q. Now, you say that Shaskinskis signed up some of the members with his own handwriting. You said that was understandable because there were so many foreigners in the plant. What percentage of foreigners is there in that plant?

A. Oh, I would say, in the foundry I am talking about now—

Q. Yes.

A. That was the department I was in, that was the department I was soliciting.

Q. Yes.

A. I would say there was 95 per cent foreigners in the foundry department, somewhere about that many, and most of these fellows—I don't know whether he does it intentionally, whether he signed them up because they didn't want to sign, but their hands are awfully dirty from molding sand and he signed them up in their pres-

ence. They didn't say much about it, they didn't care, they thought if one of the bosses was doing it, it was all right.

Q. Who was the boss?

A. That is he.

Q. Is he the boss?

A. He is the foreman of that department.

Q. He is the foreman?

A. Yes.

326 Q. That is, Shaskinskis?

A. Yes, sir.

Q. He is the foreman of that department?

A. Yes, sir.

Q. He is the foreman of the foundry department?

A. Yes, sir, that is his gang right in through there. I guess he has about fifty men under him, something like that.

Trial Examiner McCarthy: Proceed.

Direct Examination (Resumed).

Q. (By Mr. Reynolds.) Before Mr. Salmons came back to work in 1936 was his case discussed any more in the meetings of the Employees Board?

A. Well, I recollect one statement—as much as I remember, I remember various statements about Louis Salmons being in the office to see him, and he was telling me after the conversation how weakly and thinly Louis Salmons looked when he left the office. I remember that much.

Q. Mr. Berry told you that?

A. Mr. Berry told the seven of us representatives, we were present at the time. That was a regular meeting. It was not regular conversation, just something on the side.

Mr. Reynolds: Mark this the next Board exhibit number. (Thereupon the document above referred to was marked "Board's Exhibit No. 13", for identification.)

327 Q. (By Mr. Reynolds.) Mr. Lackhouse, I show you Board's Exhibit 13 for identification and ask you what that is.

(Handing document to the witness.)

A. That is an application for membership in the Independent Union of Craftsmen.

Q. Now, you spoke about seeing some white application cards after you passed this list around.

A. Yes, sir.

Q. A few days later.

A. Yes, sir.

Q. Is that the card?

A. That is the card I seen passed around, yes, sir.

Mr. Reynolds: I will offer this card in evidence as Board's Exhibit No. 13.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "BOARD'S EXHIBIT NO. 13", for identification, was received in evidence.)

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Ford.) Who is your boss?

A. Al Nyberg.

Q. When was it that Nyberg told you to go ahead and solicit for members in the Independent?

A. My boss didn't tell me, I just told him what I 328 was supposed to do in the organization.

Q. (By Trial Examiner McCarthy.) Didn't you say that Al Nyberg said, "If you have to, you have to"?

A. My boss told me if I was told that, it was all right for me to go ahead.

Q. (By Mr. Ford.) Did he tell you it was all right for you to wander around the plant?

A. He told me it was all right.

Q. Did he tell you it was all right to wander around the plant?

A. He told me to go ahead if I had to do it, and I was absent from my job from one o'clock until quitting time walking through the whole foundry.

Q. Did he see you?

A. I think so.

Q. Do you know whether he did?

A. You can see a man from one end of the foundry to the other.

Q. He didn't pay any attention?

A. Well,—

Q. Was he paying any attention to you?

A. I don't know.

Q. Did you tell him what you meant when you said you had been told to organize?

A. I just told him I was going out to sign up the fellows.

329 Q. That you were going out to sign up the fellows?

A. Yes, sir.

Q. And he said, "If you have to, you have to"?

A. Yes, sir.

Q. Did he tell you to go out in the plant to do it?

A. That was during working hours that I was talking to him, and I left my job during working hours.

Q. You told him when you were going?

A. It was the other boss, Olson, who came up to me and told me to leave my work, it was not my boss.

Q. Your boss did not tell you to leave your work?

A. No.

Q. So far as you know he didn't know that you did leave your work?

A. He knew I was not sick.

Q. Did he know when you were going out?

A. I don't know whether he did or not.

Q. You didn't tell him?

A. No, sir.

Q. What is Olson's job?

A. I guess his title is assistant superintendent of the foundry, I wouldn't say for sure.

Q. When was this?

A. That was about two days after that, it was about the 18th of April.

330 Q. Was he the assistant superintendent of the factory at that time?

A. Oh, yes, still is.

Q. He told you to go out and circulate around the plant and organize?

A. He went as far as to take me up in the hub room and talk to me alone where nobody could hear us, and told me the differences between the unions.

Q. Did you ask him about those differences?

A. Yes, he told me.

Q. Did you ask him about them?

A. I didn't ask him, he told me.

Q. Did you say anything?

A. No, I just listened to him, that is all.

Q. You didn't say anything to him before you went up there?

A. He says, "Frank, I want to see you."

I just followed him, that is all.

Q. Then what happened?

A. Well, when we got in the hub room he explained the differences, we were standing by the window, we were

looking out the window, and he started comparing the differences between the unions. He told me how much better off we would be if we arranged among our fellow workers to have a union amongst ourselves, we could have good times together, and we would not have to be bothered by any outside union. That is what he told 331 me. It sounded good.

Q. So what, what happened after that?

A. After that I left him and went down to sign them up.

Q. Now, you are complaining about that, is that the idea?

A. Complaining?

Mr. Reynolds: I object to that, if the Examiner please.
Trial Examiner McCarthy: Sustained.

The Witness: I am not complaining about nothing.

Q. (By Mr. Ford.) Did you ever solicit members in the plant?

A. Solicit members?

Q. For the C. I. O.

A. No, I haven't.

Q. Did you ever solicit members for the C. I. O. any place?

A. I did, I have signed them up time and again.

Q. Did you ever solicit members in the plant?

A. I haven't, no.

Q. Did you ever see anybody soliciting members in the plant?

A. I don't remember seeing any.

Q. Did you or did you not?

A. Sure.

Q. Where did you sign them up?

A. Where did I sign them up?

Q. Yes.

332 A. In the presence of Louis Salmons.

Q. In the plant?

A. No.

Q. Where?

A. 51st and Wentworth.

Q. 51st—

A. And Wentworth.

Q. And Wentworth?

A. Yes. That was the Sunday after he knew that he was going to get bounced. That was a special meeting. He knew he was going to get bounced Monday morning,

and he had us fellows get together, and they went down to 51st and Wentworth.

Q. Are you one of the ones that Louis Salmons said would have to carry on on the inside?

A. He said we would have to get the fellows and get it organized, and all that, yes.

Q. Were you here yesterday?

A. No, I was not here yesterday.

Q. Is that the time that you became a member?

A. Yes.

Q. And that was in January or February of 1937?

A. No, that was—I don't remember.

Q. You testified, did you not, that you became a member of the C. I. O. in January, 1937?

333 A. That is right. There was two different kinds of cards that I remember, two different kinds of cards at the start. When the C. I. O. started organizing we had to pay a dollar. You had to pay a dollar when you joined, and the second time—

Q. I don't care about that.

Trial Examiner McCarthy: Let him finish.

The Witness: I signed two cards.

Trial Examiner McCarthy: Let him finish, let him explain his answer.

The Witness: I signed two cards.

Q. (By Mr. Ford.) When did you become a member of the C. I. O.?

A. When did I become a member?

Mr. Reynolds: I have to ask the Examiner to permit the witness to complete his answer that he started on.

Trial Examiner McCarthy: You may complete your answer.

Mr. Ford: I ask that I be permitted by counsel for the Board to ask my questions without interrupting.

Mr. Reynolds: I ask the Examiner to admonish counsel not to interrupt the witness when he is giving an answer.

Mr. Ford: If the Trial Examiner admonishes me that is all right, but not when you do.

Q. (By Mr. Ford.) When did you become a member of the C. I. O.?

A. The first time, I really don't remember the date.
334 Trial Examiner McCarthy: You were explaining about two kinds of cards.

A. It was about February, the second week of February when I joined the first time.

Q. (By Mr. Ford.) It was the second week in February?

A. Yes, sir.

Q. How much later was it when you joined the second time?

A. I paid a dollar that time, and the second time it didn't cost me nothing, see.

Q. Do you remember how much later you joined the second time or signed the second card?

A. It was in April sometime.

Q. In April?

A. Yes.

Q. The first time was in February, 1937, and the second time in April sometime, is that correct?

A. Yes.

Q. (By Trial Examiner McCarthy.) What was the difference between the first and second times?

A. It seems to me when the C. I. O. was first organizing they used to charge all members a dollar when they wrote out their membership. When they made the big drive it didn't cost them anything, it didn't cost a fellow anything at all until just lately when they passed a law when a new fellow had to pay \$3.00 initiation fee. Before that, it didn't cost a fellow a single penny.

Q. That is the difference between the first and second signing?

A. Yes, the first time any time you got a member it cost a dollar; the second time it doesn't cost nothing.

Q. (By Mr. Ford.) Now, then, in this February time, is that the time you said that you kept in secret?

A. That is the first time.

Q. You joined in January and kept it Secret until February, is that it?

A. As near as I can remember, yes.

Q. What time was it that you joined up with Louis Salmons at 51st and Wentworth, was that the January-February meeting or was that in April?

A. It was the following Monday that he was laid off, I don't remember just exactly the date he was discharged.

Q. Did you join on that date?

A. I joined on that Sunday.

Q. The Sunday before Louis Salmons was laid off?

A. Yes.

Q. Now, how many times did you join the C. I. O.?

A. I filled out two applications.

296 *Witness for National Labor Relations Board.*

Q. Just two?

A. Yes, sir.

Q. And that is all?

336 A. Yes.

Q. This Sunday that you joined, was that the first or second time that you signed the card?

A. That was the second time.

Q. That was the second time?

A. Yes.

Q. That was along in April?

A. About April sometime.

Q. About April?

A. Yes.

Q. About the time that the Independent group was being organized?

A. It was before they really got started.

Q. It was just about that time?

A. Yes, about that time.

Q. Now, who is Frohling?

A. He is present here.

Q. He is here?

A. He is present.

Q. (By Trial Examiner McCarthy.) Who is he?

Q. (By Mr. Ford.) What is his job?

A. He is a machinist in the machine shop.

Q. A machinist?

A. I guess that is what he is.

Q. Is he the one that tells you to go out and organize?

337 A. Yes, he said—he told me to organize amongst the men. He was the one.

Q. Is he a member of the C. I. O.?

A. I don't believe he is.

Q. Is he a foreman?

A. Not that I know of, no.

Q. Let me ask you some questions about the time Shaskins took this paper out of your hand and started to place the names on it.

A. Yes.

Q. When was that?

A. That was just two days following—it was about April 18th, somewhere along in there.

Q. Was that before or after you first signed up with the C. I. O.?

A. I was signed up before that.

Q. And that was after you had signed up with Louis Salmons on that Sunday?

A. Well, I had signed up already.

Q. (By Trial Examiner McCarthy.) Which time?

A. I was signed up twice.

Q. (By Mr. Ford.) Was that the first time or the second time?

A. That was the second time that I was signed up.

Q. In other words, you had been signed up both times?

338 A. Before this outfit came, see.

Q. Before Shaskinskis came along and took the paper out of your hand?

A. Yes.

Q. Now, what did he do with that paper after he took it out of your hand?

A. I told Bill that we were organizing for a union amongst the working men in the shop, and he took the sheet of paper out of my hand and he went along the line there, about eight or ten fellows working right close by, and he signed up seven at least out of the ten.

Q. What did he say to you?

A. This is for a union amongst the men, and he signed them up.

Q. I say, what did he say to you?

A. To me?

Q. Yes.

A. He didn't say much to me, he just took the sheets.

Q. Did you hand them to him?

A. Yes, sir.

Q. Did you offer them to him?

A. I just give them right to him, yes.

Q. What did you say to him when you gave him the list?

A. I was showing it to him, I had it in my hand like that, and I read the heading to him. After he heard
339 what it was all about, why, he took the sheet right out of my hand.

Q. You didn't say anything to him about taking it at all?

A. What?

Q. You didn't say anything to him about taking it?

A. No, I didn't say anything to him about taking it away from me, no.

Q. Then what did he do after he got it? What do you

say he did, that he went along by the machines and signed their names?

A. At the time I was up there there was quite a bunch of them together working right close together by the molds, and he was talking just exactly what I told him it was, and he signed these fellows up.

Q. Did he sign their names?

A. He signed their names in his own handwriting.

Q. Do you know anybody whose name he signed without their permission?

A. Yes, I will say that I can remember of a name, he is a German molder working for Shaskinskis over there. I remember that.

Q. Did he sign that man's name without his permission?

A. He signed his own brother without permission.

Q. (By Trial Examiner McCarthy.) What do you mean by that, without permission?

340 A. They didn't put it down, he put it down in his handwriting.

Q. (By Mr. Ford.) You mean he simply used his handwriting, his own handwriting to sign the name?

A. Yes.

Q. How do you figure that he signed the names without permission?

A. He may have said that it was all right for him to sign it.

Q. That is just your imagination, then?

Mr. Reynolds: I object to that.

Trial Examiner McCarthy: Sustained.

Q. (By Mr. Ford.) Do you know whether he signed that name without his brother's permission?

A. I don't know.

Q. Do you know whether it was without permission that he signed the German molder's name?

A. No.

Q. Then why do you say it was without their permission?

A. That was a mistake, I will reject that.

Q. Do you know anybody else he signed up without permission?

A. Yes.

Q. (By Trial Examiner McCarthy.) How are you using that word? Do you know that they were signed with-
341 out their permission?

A. I just don't know that he signed them without their permission, no.

Q. (By Mr. Ford.) Maybe I can put it a little plainer.

A. That is it.

Q. Do you know of anybody whose name was signed by Shaskinskis against that person's will?

A. No, no, I don't. Now, I understand you, no.

Q. And by "permission" I mean if his name was signed, it was done by his permission, or he permitted or allowed or let Shaskinskis sign his name to it.

Mr. Reynolds: I object to that question.

Trial Examiner McCarthy: He is trying to explain it.

Mr. Ford: I am trying to explain it.

Trial Examiner McCarthy: Overruled.

Mr. Ford: Yes.

Q. (By Mr. Ford.) In other words, is it true that every person Shaskinskis signed knew that he signed up for membership?

A. Except one.

Q. Who was that?

A. John, the crane man, I don't know his last name.

Q. John, the crane man?

A. John, the crane man. He works up very high, and he didn't take time to climb up and explain to him
342 what it was all about so he just wrote his name.

Q. Did John object to that?

A. John didn't know what it was all about.

Q. Did John ever raise any question about it?

A. He never raised any question with me, no.

Q. How do you know he didn't know what it was all about?

A. I don't know, he didn't ask me nothing about it.

Q. Did John ever make any complaint about it?

A. Not that I know of.

Q. Did John ever tell you or anyone else in your presence that he did not want Shaskinskis to sign his name to that particular document?

A. I never heard of it.

Trial Examiner McCarthy: I think the witness has explained that.

Q. (By Mr. Ford.) Is that John Huenger?

A. No, that John is on the steel floor, it is a little fat John.

Q. Little fat John on the crane?

A. He works on the crane, they call him "Splitz".

Q. "Splitz"?

300 *Witness for National Labor Relations Board.*

A. That is what I have heard them call him, everybody knows him by that name.

Q. Are you still working at the plant?

A. Yes, I am.

343 Q. Has anybody ever told you if you didn't keep up your membership in the Independent Union of Craftsmen that you would be fired?

A. Nobody, no.

Q. Did anybody tell you if you joined the Amalgamated Association of Iron, Steel and Tin Workers that you would be fired?

A. Nobody has ever told me.

Q. You feel perfectly free to belong to any union you please?

A. I do.

Q. You testified, did you not, that your boss didn't care what union you belonged to, if any?

A. I did.

Q. Now, after you got this paper back, what was it that you heard Greenlee say?

Trial Examiner McCarthy: What paper are you referring to?

Mr. Ford: The paper Shaskinski was signing the names on.

The Witness: Greenlee, I don't think—

Trial Examiner McCarthy: Greenlee gave him the papers first.

A. No, it was not Greenlee that gave me the list at the time. I just stated a little while ago that Mr. Greenlee
344 was in my department looking for me, for the return of the papers.

Q. (By Mr. Ford.) Did you give them to Greenlee?

A. Yes, I handed them to him.

Q. Was there any conversation at that time?

A. No, I just gave them to him, he just took them and went right along.

Q. When was that?

A. The same day.

Q. What day?

A. The day I stated.

Q. (By Trial Examiner McCarthy.) Who gave you the list of papers with the heading on, one of which had this heading which you are not able to identify?

A. Ray Frohling.

Q. Ray Frohling gave it to you?

A. Ray Frohling gave it to me, yes.

Q. (By Mr. Ford.) And you gave it to Greenlee?

A. Mr. Greenlee came over for it.

Q. Who is Greenlee?

A. He works in the planning room office, I don't know what his title is.

Q. Is he a foreman?

A. I couldn't say, I don't know, I don't think he is.

Q. Now, when you said that they had a few of their
345 apprentices soliciting, who did you mean?

A. Well, Johnny Lubenkob is an apprentice.

Q. (By Trial Examiner McCarthy.) Who did you mean by "they"?

A. Walter Bolton is another apprentice and a steward.

Q. I don't mean the apprentices, but who do you mean by "they"?

A. I don't know who was really behind it, the head of that union. That is what I mean by that, the head of the union.

Q. The point of your testimony is this, that apprentices were soliciting?

A. Yes.

Q. Is that correct?

A. Yes, sir.

Q. You don't know who—

A. I don't know who had them go around.

Q. (Continuing) —asked them to do it?

A. No, I don't know who had them do it.

Q. (By Mr. Ford.) Now, do you know whether this man Greenlee that you mentioned, do you know whether he is a stock chaser?

A. What?

Q. Do you know what a stock chaser is?

A. No, I don't.

Q. Or a material chaser. Did you ever heard that word?

A. I have heard that expression, yes. No, I know
346 he works in the planning room office, that is about all I know about him. I believe that is his title all right.

Q. Do you know whether Olson saw Walter Bolton making any collections?

A. I couldn't say that he did, but I know that he was not very far from him when he was doing it.

Q. You didn't take any further part in the Independent Union after you turned the list over to Greenlee?

A. No.

Q. Then you were all through with it?

A. I was all through, yes.

Q. And you only joined the C. I. O. on two occasions, that is, you only signed the cards twice?

A. That is it, yes.

Q. Once in January, which you kept secret until February?

A. That is it.

Q. And the other time in April sometime before you solicited these members?

A. That is right.

Q. (By Trial Examiner McCarthy.) How do you know that you signed a card in January?

A. I wouldn't say exactly, all I know is I signed two different cards, two cards I know I signed up.

Q. (By Mr. Ford.) The first time that you signed one was the Sunday afternoon?

347 A. That was the second time.

Q. That was the second time?

A. That was the second time, yes.

Q. And the second time you signed was the Sunday afternoon at 51st and Wentworth when Mr. Salmons said to you that he was going to be fired?

A. Yes, on Monday.

Q. And that you had to carry on?

A. Yes.

Q. He knew he was going to be fired?

A. Yes, he had a pretty good feeling that he was going to get it, that is why he had that meeting with us.

Q. (By Trial Examiner McCarthy.) What was the purpose of that meeting?

A. The purpose was to have the fellows stick together, not give up.

Q. Where does your signing the application come in there?

A. Signing the application?

Q. You said you signed the application the second time.

A. I signed with Louis the first time.

Q. Louis who?

A. Louis Salmons.

Q. Yes.

A. I didn't pay much attention, I didn't get in it very much. I seemed to pull away from it, I didn't pay
348 much attention to it, you know.

Q. That was the time you paid your dollar?

A. No, the first time was the time when I paid the dollar.

Mr. Ford: That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) Do you remember when Louis Salmons was fired?

A. Yes, I remember when Louis Salmons was fired.

Q. When?

A. Monday morning.

Q. What month was that?

A. It was in April, I don't quite remember.

Q. You don't even remember what year it was in?

A. 1937.

Q. He was fired in 1937?

A. 1936, and he come back in 1937. It was in the last few months of 1936, I guess that is when it was.

Q. (By Trial Examiner McCarthy.) Is that when you signed your card?

A. Yes, that is when I signed my card.

Q. (By Mr. Reynolds.) Before he was fired you signed a card for the C. I. O.?

A. I had a card signed up while he was in the plant and he was organizing. That was the first time I ever signed up.

Q. Yes.

349 A. For a month or so after that I still didn't get in on it, or anything, didn't pay any attention to it or anything. At that time I didn't pay much attention to it, the second time I did.

Q. That was after he came back, the second time?

A. Yes.

Q. The second time you signed?

A. Yes.

Q. Now, does Mr. Olson care what union you belong to?

A. I don't know whether he cares or not, but he stated the difference in the unions, if that made any difference.

Q. Did he say there was a difference?

A. He told me that we would be better off if we fellows organized amongst ourselves, and got up a little union among ourselves. He told me that.

Q. Does Mr. Shaskinskis care what union you belong to?

A. I don't know whether he does or not.

Q. Does Mr. Berry care what union you belong to?

A. I doubt whether he does.

Q. Did you ever hear him express himself in favor of one or the other?

A. I haven't, no.

Q. Now, have you seen any other individual besides Mr. Bolton collecting dues for the Independent Union?

A. Mike Mazibonis.

350 Q. What is his job?

A. Well, he was a foreman, but since things have got slack now he is pushed back like the rest of us, he is a laborer, a core maker like the rest of us.

Q. At the time he was collecting dues, was he a foreman?

A. He was not, no. They had remodeled the Link Belt plant out there, and the only time that he got promoted was after they put two floors on the core room, and they put him upstairs to run that department.

Q. Did you ever see anybody else collecting dues for the Independent?

A. No, that is about the only two I have ever really seen for myself. I know that he carried a little stamp in his pocket.

Q. (By Trial Examiner McCarthy.) Who?

A. This was Mike. When the fellows paid he used to mark it "Paid".

Mr. Reynolds: That is all.

Recross Examination.

Q. (By Mr. Ford.) Isn't it true that Mike was only a subforeman in the core room since January of this year?

A. That is right.

Q. Since January 15th of this year?

A. Yes, he was running the core room on the second floor.

Q. And that started in January of this year?

351 A. Yes.

Q. (By Trial Examiner McCarthy.) Do you know that it was in January or don't you know?

A. No.

Q. All right, say so, if you don't know.

Q. (By Mr. Ford.) Do you know when he became foreman?

A. No, I don't.

Q. How long has he been foreman, do you know, whether ten months or two years or a week?

A. I know it couldn't be very long, it has only been since the foundry was remodeled.

Q. Since the foundry remodeling was completed?

A. Yes.

Q. Then they stuck Mike up on that second floor?

A. Yes, they have to have two foremen in that department.

Mr. Ford: That is all.

Trial Examiner McCarthy: Any other questions?

Cross-Examination.

Q. (By Mr. Wham.) Mr. Lackhouse, you say you were on the old Employees Board?

A. Yes, sir.

Q. When was that?

A. I couldn't say exactly when it was.

Q. Were you on during the time Louis Salmons was on there?

A. I was, yes.

352 Q. And his term expired about the time that he came back from his discharge but somebody had taken his place in the meantime?

A. While he was gone, yes.

Q. Well, they had an election along about the first of January, 1937?

A. They had an election for the vacancy, that is all they had an election for.

Q. They had an election for all of the representatives along about the first of the year, didn't they?

A. I don't remember.

Q. You don't remember that?

A. No.

Q. Were you a representative on that old board up until the time, we will say, that the Wagner Act was declared constitutional?

A. I was a representative up until then, yes.

Q. During that period did you negotiate a wage increase?

A. Well, I have never negotiated, no, but I think they have asked in various persons for wage increases. Mr. Berry would come out and tell us he would pay the boys a 5 per cent increase, something like that.

Q. Wasn't there an increase sometime between January and April of 1937?

A. I don't remember. There has been about four
353 different increases, and I don't remember just exactly now just when they were. There were about four different ones.

Q. Mr. Berry called you in after the Jones Laughlin decision and told you that the Wagner Act was constitu-

tional and applicable to the Link Belt Company, and that the old Board was unconstitutional?

A. Yes, we had a special meeting on that, yes, sir.

Q. What else did he tell you?

A. Well, he told us that it was unconstitutional, and it was up to us fellows to drop it, that was all there was to it.

Q. Just abandon it?

A. Abandon it, that is it.

Q. Did he tell you what to do then?

A. No, he didn't tell us what to do.

Q. He didn't tell you to go out and organize an Independent Union?

A. No, he didn't tell us that, no.

Q. I didn't quite get the connection of this man Zenon Petrouski.

A. I don't know whether you would call him a molder or a molder's helper, but he worked on the steel floor of the foundry.

Trial Examiner McCarthy: In connection with what?

Mr. Wham: I didn't quite understand what he said.

354 Q. (By Mr. Wham.) Was he soliciting?

A. Yes, he was soliciting. That was the day after I was soliciting. He went out the next day. I came back with only thirty applications out of 360, and that was not so good.

Q. You had thirty?

A. I had thirty on my list.

Q. Did Petrouski solicit in your department?

A. Yes, he went through my department.

Q. Was that during working hours?

A. He went through all day long, he went through the whole foundry department.

Q. Did you say that you were paid for the time you spent?

A. I never missed anything in my pay.

Q. You worked on a salary or by the hour?

A. By the hour.

Q. You have a basic rate that you get regardless of what you turn out?

A. When I work day work I just get so much a day, unless I work piece work. I don't usually get piece work because I have been getting complicated jobs, and I can't work piece work.

Q. (By Trial Examiner McCarthy.) The answer to that is that you get a base rate, so much per day?

A. Yes.

355 Q. Is that correct?

A. That is correct.

Mr. Wham: I am assuming that from what he said.

The Witness: That is right, I get a base rate, I get so much per hour.

Q. (By Mr. Wham.) Did you say that Petrouski got paid for signing up some people that night?

A. That is what I don't know, I say he may have, I wouldn't swear to it, I don't know whether he did or not.

Q. You don't think he could have been soliciting out of hours without pay?

A. That I don't know, I couldn't say.

Q. He couldn't possibly be doing it because he wanted to organize a union?

A. I don't know.

Q. What was the point that you were making there about apprentices, about apprentices doing some soliciting?

A. I know there was apprentices soliciting, I know there was one apprentice soliciting.

Q. That was Johnnie Lubenkob?

A. That was Johnnie Lubenkob, yes.

Q. Is there any particular reason why you remembered the apprentices? Is there any reason for referring to the apprentices?

A. No, but it seemed funny to me, it seemed like all
356 the apprentices belonged to it. They were all young fellows; and I thought it was kind of funny myself. I was kind of scared myself because they belonged to it, I thought I wouldn't get the work.

Q. How old are you?

A. Me, myself, I am twenty-three.

Q. Did you say that Olson is an assistant superintendent?

A. I wouldn't swear that was his title, but he has some connection in that office.

Q. He came out to speak to you and said, "Frank, I want to talk to you?"

A. Yes.

Q. So he took you up to the hot room, did you say?

Trial Examiner McCarthy: The hub room.

A. The hub room.

Q. (By Mr. Wham.) The hub room. How long were you there?

A. I doubt if we were there any more than about five or ten minutes, somewhere around there.

Q. And at that time he gave you a canvass in favor of the Independent Union, is that right?

308 *Witness for National Labor Relations Board.*

A. Well, he didn't really tell me to make a drive for any union, but he said which one would be better for us.

Q. And what a wonderful thing it would be to have a union?

A. For us fellows to stick together.

Q. Among yourselves, is that right?

357 A. Sure, get it up and keep it amongst ourselves.

Q. Now, you joined the C. I. O. in September, 1936?

A. I don't know exactly.

Q. You say you rejoined in April, 1937?

Trial Examiner McCarthy: What is that?

The Witness: April.

Trial Examiner McCarthy: There is a lot of confusion on that.

Mr. Wham: I am confused, I would like to get the fact.

The Witness: I can't remember dates very well, I just can't get it, I just get balled up myself.

Q. (By Mr. Wham.) That is all right. At least, you belonged to the C. I. O. at the time you solicited for the Independent, didn't you?

A. Yes.

Q. How did you happen to solicit for the Independent?

A. I just went around like I told you before. I was never in very thick with the C. I. O. As far as I was concerned, I didn't care at that time.

Q. You were just a good fellow and you were going to help anybody that came along, is that right?

A. It didn't make any difference to me that time.

Q. Louis Salmons didn't tell you to help the Independent and act as a spy?

A. No, he didn't.

358 Q. Nobody ever said that to you?

A. To tell the truth they knew what I was doing around there, they thought I had changed to the other side, and it took me quite a while to explain, I thought I would get the works. I thought the C. I. O. would probably think it funny when they saw me going around organizing the Independent Union when I really belonged to the other side.

Q. Did they ask you about that?

A. They asked me about that, yes, after I was through.

Q. What did you tell them?

A. I told them, what the heck, you don't have to kick, I didn't sign up very many of them, I just went around.

Q. You signed up thirty?

A. Thirty, yes, sir.

Q. You never solicited for the C. I. O. on company time, did you?

A. No, I didn't.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

Mr. Ford: May I have one more question?

Trial Examiner McCarthy: If it is pertinent and you haven't gone over it before.

Recross Examination.

Q. (By Mr. Ford.) You were on the Board, on 359 the Employees Representation Plan at the time Louis Salmons was on it?

A. Yes, I was.

Q. Do you know whether or not any wage increases were discussed any time you served on that board?

A. Yes, I remember a few times that we were there when Berry told us that we were going to get a 5 per cent increase at one time, and I think it was a 6 per cent increase the next time. We always got the good news first.

Q. You always got the good news first?

A. Yes.

Trial Examiner McCarthy: Is that collective bargaining? You may be excused.

Call your next witness. We are dragging along, gentlemen.

(Witness excused.)

Mr. Reynolds: Mr. Johnson.

Before I start questioning him I want to make my motion to amend paragraphs 7 and 8 of my complaint, and to substitute paragraphs 7 and 8 which I have had typed and prepared.

Trial Examiner McCarthy: Have you seen those, Mr. Ford?

Mr. Ford: I have just seen them. I know the substance of it, and I think that the objections which I made to the oral motion, to the oral amendments made by Mr.

Reynolds yesterday, can properly stand to the proposed typewritten amendment which Mr. Reynolds has submitted today.

Briefly, I will say that the amendment is not timely. It changes the allegations in the complaint.

Trial Examiner McCarthy: In what respect?

Mr. Ford: First they tell us that Salmons was to take

the same job back, now we find he was put back on another job.

Trial Examiner McCarthy: Do you feel that is material?

Mr. Ford: I think that is very material from the Respondent's standpoint.

Secondly, the amendment is contrary to the proofs which are already in.

Trial Examiner McCarthy: That proof stands.

Mr. Ford: If that proof stands there is no point in amending the complaint to vary from the proofs. And it is not timely. I will not argue it at any greater length, I just make my objection.

Mr. Reynolds: I would like to have it pointed out where it varies from the proof.

Mr. Ford: The amendment varies from the proof particularly in the reference to Mr. Salmons' discharge.

Trial Examiner McCarthy: What are you referring to there, the first paragraph, or the paragraph marked Number 7?

Mr. Ford: I will read the whole thing, and then 361 quote the typed portion to which I refer.

Paragraph 8 does not conform to the proofs and completely changes certain alleged allegations. For instance, the first sentence of Paragraph 8, when he states that Louis Salmons was reinstated to a different position, in which position Louis Salmons worked fewer hours after his reinstatement.

We don't know anything of the kind from the proof, and if it is not to conform to the proof, it certainly is untimely to change in the complaint the allegation alleged to have been committed against Mr. Salmons, as we were advised first that he was reinstated to the same job, and now we find that he not only got a different job, but worked fewer hours, and that the other employees worked more hours, and he worked less than he did before.

It requires a complete analysis of Mr. Salmons and all of his fellow workers in that department. I don't think that is a fair thing to do, to start trying the case and then come in and find, when things are not quite as they thought they were, that they have changed it, and not only changed it but changed it not to conform to the proofs here.

Trial Examiner McCarthy: Do you feel if this amendment was allowed it would be prejudicial to your client's position?

Mr. Ford: I will say no, because I will not permit it to be prejudicial, we will prepare a defense to it, regardless of the length of time required.

Trial Examiner McCarthy: It really makes no difference then.

Mr. Ford: We will prepare—

Trial Examiner McCarthy: It really makes no difference then whether the amendment is allowed or not.

Mr. Ford: It makes a difference in that we should in these proceedings, as in any other orderly proceeding, be advised in the ordinary course of events—

Trial Examiner McCarthy: I agree with you, that is what I am trying to find out.

Mr. Ford: The only prejudice is that it completely—causes us to completely revise our defense after the hearing is well under way, when we have to go to the expense of preparing it on one theory, and then have to prepare it on another.

But we have a staff of lawyers and the Link Belt Company has a staff, and we can do so, if necessary.

Trial Examiner McCarthy: The Examiner will deny the motion to amend but will grant a motion at the end of the Board's case to amend the pleadings to conform to the proofs.

Mr. Ford: The other feature which I think is important is that we have lost the right to cross-examine the witness Salmons and the witness Novak on the revised charges of the complaint.

363 Mr. Reynolds: If the Examiner please, I just can't understand these objections. We have got Mr. Salmons here. If they want to ask any more questions along that line, we have him here. As far as Mr. Novak is concerned, there was a complete cross-examination of him and his story when he testified, and this amendment is to conform to a different angle of his testimony on the case that was not previously understood by the Board.

Now, I thought the purpose of the amendments was to remove all matters like that.

Mr. Ford: That is not the purpose of amendments, and never has been the purpose of amendments as far as I know in my practice.

Trial Examiner McCarthy: All right, at the end of the Board's case—

Mr. Ford: To correct the Board's counsel's misapprehension, we haven't cross-examined Novak at any length.

Trial Examiner McCarthy: Just a minute, at the end

312 *Witness for National Labor Relations Board.*

of the Board's case the Examiner will grant a motion to amend the pleadings to conform with the proofs. That will be fair to both sides.

Mr. Reynolds: Do you mean without the submission of a written motion?

Trial Examiner McCarthy: Yes.

Mr. Reynolds: I am sorry, but I can't agree with 364 that interpretation of the Board's procedure. We have definite instructions to amend our complaint in writing, or motion to conform to the proofs. A motion to conform to the proofs must naturally follow the decisions.

Mr. Ford: It will be agreeable to the Respondent if it is amended to conform to the proofs, and amended in writing.

Trial Examiner McCarthy: You may proceed.

Mr. Reynolds: Mr. Johnson.

FRED JOHNSON, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address.

A. Fred Johnson, 259 West 115th Street.

Q. Are you employed by the Link Belt Company?

A. Yes, sir.

Q. How long have you worked there?

A. It is four years last November.

Q. And what is your occupation, Mr. Johnson?

A. Electrician, maintenance.

Q. What is the nature of your work?

A. Well, it is shooting trouble, electrical trouble around the plant.

Q. You work in different parts of the plant?

365 A. Work practically all over the plant and the office.

Q. Now, is the work that you do similar to the work that Mr. Louis Salmons performed at one time?

A. I took it after Louis Salmons came—well, I took it over at the time that he was let out.

Q. During the time that he was out you did the same type of work that he did?

A. Yes.

Q. Do you recall the hours that you worked from September to December of 1936?

A. No, not unless I look it up on the quarterly report card.

Q. Do you remember how many days a week you worked?

A. Five and a half, sometimes six.

Q. Did you ever work on Sundays?

A. Well, we worked on Sundays on special break-down jobs, yes.

Q. And after Mr. Salmons came back in December, 1936, how many hours did you work, and how many days?

A. Along about the same way until lately.

Q. Until lately?

A. Yes.

Q. Is your rate of pay similar to that of Mr. Salmons?

A. My rate of pay is lower than Mr. Salmons'.

Q. Lower. Do you know how many hours Mr. 366 Salmons worked after he came back?

A. Yes, sir, he worked forty hours. He didn't get any Saturdays in for a while there.

Q. How many did you work?

A. I worked practically Saturdays all the time; it was the only time we could work on the machines that were running during the week.

Q. How many hours were you working during the week on the average after Mr. Salmons came back?

A. Forty-four to forty-eight hours.

Q. Forty-four to forty-eight?

A. Yes.

Q. Did that include the Sundays that you worked also?

A. That would be hard to figure that, because Sundays, the Sunday work that we worked would not be steady. Some Sundays we were off, and some Sundays we were working. For a while we were working Sundays pretty steady.

Q. Did Mr. Salmons work then on Sundays?

A. No, sir.

Q. He worked at one location, did he not?

A. He was on the bench work, the repair of motors and such things as we could bring upstairs.

Q. Now, are you a member of the C. I. O.?

A. Yes, sir.

Q. Do you recall when you joined?

367 A. I joined after Mr. Salmons came back.

Q. After Mr. Salmons came back?

A. Yes.

Q. And where did you join?

A. I believe I met Louis over on the corner of 39th and Wentworth in a restaurant.

Q. Did you attend the union meetings?

A. I did.

Q. Were you active in union work?

A. I was quite active after Louis came back.

Q. Describe what your activities were.

A. In meeting the men, talking to the men, trying to get them to join our organization.

Q. Do you recall whether any other labor organization appeared on the scene at the Link Belt Company after you joined the C. I. O.?

A. The only time that I remember was after the Employees Representation Board was disbanded, a notice came up on the bulletin board a couple of days later, that they came out with a petition which was handed to me by "Baldy" Johnson, I don't know his first name, we call him "Baldy" Johnson. He is a blacksmith in the steel shop.

Q. Was it during working hours?

A. It was during working hours.

Q. What did he say?

368 A. He said, "Sign this."

I looked at it, and for the hell of it I signed.

Q. Did you see him ask others to sign?

A. I saw him ask others, yes.

Q. Did you see anyone else soliciting signatures?

A. I saw this here fellow "Splitz", Bill Siskauski out in the foundry.

Q. What was he doing?

A. At the time I came up he was handing the list to Frank.

Q. (By Trial Examiner McCarthy.) Who is Frank?

A. Lackhouse.

Q. (By Mr. Reynolds.) What did you hear him say, if anything?

A. I was standing right behind him when he wrote down their names.

Q. (By Mr. Wham.) And what was Lackhouse doing, who was he talking to?

A. He was standing alongside of this Siskauski.

Trial Examiner McCarthy: That is the foreman in the foundry?

The Witness: A foreman in the foundry.

Q. (By Mr. Reynolds.) After you signed the petition did you know what the petition was for?

A. I did in a way, I read the heading on it.

Q. Do you recall what it was in substance?

369 A. It said, we, the undersigned employees of the Link Belt—I don't know—wish to form an organization of our own, or words to that effect. I couldn't give you the identical words.

Q. Did you follow that up any more after that? Did you take part in any further activities?

A. No, I didn't, outside of attending one of their meetings.

Q. Which meeting was that?

A. I believe it was the first meeting they held.

Q. Do you remember when it was?

A. Well, I came up to the meeting—

Q. What date, do you remember? How long after you signed up?

A. I don't know whether it was a few weeks or a month after, somewhere around in there, I couldn't tell you exactly.

Q. Then what happened?

A. I got up there, and when I got up there Paul Bozurich was in there, and I believe Mr. Wham was in there, and he was up there talking, and Paul Bozurich was making some remarks about the cards.

Q. (By Trial Examiner McCarthy.) Paul whom?

A. Bozurich, about some clause in those cards that practically took away your right to join any other organization. At that time Mr. Wham began questioning Paul Bozurich about whether he worked in the plant. I knew that Mr. Wham didn't work for the Link Belt Com-
370 pany so I began to question him back to find out what right he had to question Paul. I think Litster was chairman, and all I could get out of Mr. Wham was "Mr. Chairman, Mr. Chairman", and so I walked out.

Q. (By Mr. Reynolds.) Did you attend any other meeting?

A. I tried to attend another meeting.

Q. What happened?

A. I came up and the meeting was closed, they had guards at the door.

Q. How many guards?

A. I just saw two standing there.

Q. And then what happened?

A. Jeske was a guard at the door and he told me that I couldn't come in.

Q. What did you do?

A. I turned around and walked back and forth, stayed out in the hall for a while. Finally I thought I would find out why I couldn't get in, and the door opened and there was a policeman inside. I asked to talk to the officer. He came out and I asked him why I was not allowed in the meeting, that I was an employee of the Link Belt Company, and I believed I had a right to go in there.

Q. What happened then?

A. He went up to the front, he told me he went up to the front, I couldn't say whether he did or not, because I couldn't see him, the door was closed. But he came back in a little while and told me it was a closed meeting, they were voting to elect officers.

Q. Was that the last effort you made to attend a meeting of the Independent Union?

A. That was the last effort, I didn't see any use of trying any more.

Q. Now, you went back to work after that?

A. After the meeting?

Q. Yes.

A. No, that meeting was held in the evening.

Q. The next day you went back to work?

A. Wait a minute—yes, the next day I went back to work, if I remember right.

Q. (By Trial Examiner McCarthy.) When did this meeting take place?

Q. (By Mr. Reynolds.) Do you recall the date of this meeting?

A. I was trying to think whether it was a week-day or on a Saturday—no, it was a week-day.

Q. Do you recall what month it was in?

A. I don't recall the month at all, just what month it was. It was back in the spring, I believe. It was somewhere in there.

Q. (By Trial Examiner McCarthy.) In the spring of 1937?

A. 1937.

372 Q. (By Mr. Reynolds.) Now, did you carry on any activities at all for the C. I. O. after this time?

A. I don't understand, activities after which time?

Q. After you tried to attend the second meeting of the shop union.

A. Oh, yes, I was very active in the C. I. O. then.

Q. Now, did any foreman or supervisory official of the company ever say anything to you about the C. I. O. or the shop union?

A. Well, not exactly anything about the C. I. O. or the shop union, only that I was called up before Mr. Fred Pyle.

Q. Who is he?

A. He is the works engineer.

Q. And what did he say?

A. Well, it happened that I was over in the crane department on some little job I was over there for, and I was up on the balcony there. They have a little electrical supply room there, and I was talking to a lad up there, and I came back across the street—it was noontime, the whistle had just blown, and I was told by my boss, Mr. Joe Forss, Mr. Pyle wished to see me.

So I went over to Mr. Pyle's office. He told me to come in and sit down. I didn't know what it could have been all about. Mr. Pyle says to me, "Fred, you and I get along pretty good. I have a job here, I am only 373 working here the same as you are."

I didn't know what he was driving at. I asked him to come to the point.

He says, "You have been walking around and talking to the boys too much."

I says, "All I could tell you is I have been walking around quite a lot on maintenance, and the boys always had a few words to say here and there when we would go around."

He says, "That is not what I mean."

I says, "I don't know just what you are getting at."

He says, "You remember Louis Salmons being let out of here, we don't want a repetition of the same thing."

And it began to dawn on me just what was coming up. So then I asked him, "Just what is the idea; when I go around do I just have to ignore these fellows and say nothing to them?"

He says, "You don't have to go that far, just cut it down a little bit."

And we let it go at that, and I went back to work.

Q. Did you notice any difference in the behavior of any of the foremen towards you after that?

A. I had noticed in walking around when I got over to the boring mill department this fellow Charlie Leonard, wherever I moved—

Q. Who is he?

374 A. He is the foreman of the boring mill department.

Q. And then what happened?

A. I would be looking at the motors as we always do when we walk around the plant and inspect them, and he was right behind me. Well, across the street there is what we call the roller department, and I was walking in there, and they have a little motor setting on the floor, which always kicks up trouble, and I was checking it, and he was right back of me, and I says, "What the hell are you doing, if I need a little puppy to take on a leash, I will buy one."

He says, "Don't make it any worse for me than it is now and cause us too much trouble."

Q. Were you talking about the union at that time?

A. I was not talking about the union at that time, no, sir. I had received my warning already, and I just wasn't saying anything.

Q. Now, did you ever speak to Leonard on any other occasion about solicitation?

A. No, there was no other occasion. We have a cable running across the shop right up in Leonard's department by the boring mill there, and this cable blew out, and we were putting in a new one, fixing it up. We were working there, and there was some fellows there, and Leonard was standing around, and we was kidding around, and he started to mention something about the C. I. O.,
375 it was more or less kidding. I seen what was going on down the line and I says, "These other men can go around the place as they damn please."

He says, "What do you mean?"

I says, "Frohling can go around the place as he damn pleases."

I says, "He is down the line there now, he is talking to Max Winkler."

And he looks, and he says, "I don't see him."

In a little while Max comes up and says, "What the hell are you letting them men roam around the place for?"

Q. How far away was Frohling at the time you were speaking to Leonard about it?

A. I should judge about a hundred feet.

Q. Did Mr. Leonard go down to see what he was doing?

A. He just stepped out in the aisle and looked down.

Q. He said he didn't see him?

A. He said he didn't see him.

Q. Did any other supervisory employee ever say anything to you?

A. Not in a direct way concerning organizing, but I was being stepped on, or I was kind of pushed around.

Mr. Ford: I would like to object to the last remark as utterly irrelevant, the times he was stepped on. The whole testimony so far has been that he was called for doing things by a number of supervisors for which 376 the supervisory men throughout the plant have the right to criticize him.

Trial Examiner McCarthy: What is the purpose of this last question?

Mr. Reynolds: It is to show that the company demonstrated its feeling toward that union, in that they stepped the C. I. O. members and allowed the agents for the shop union to go unmolested.

Trial Examiner McCarthy: You may proceed.

Mr. Ford: So far the Board has proved this fellow had not called down the wrath of his supervisors, only that they wanted to stop him—

Mr. Reynolds: I object to the argument.

Trial Examiner McCarthy: Sustained. You may proceed.

Mr. Ford: I don't mind the Board trying my case—

Mr. Reynolds: I am glad you think it is.

Trial Examiner McCarthy: We will recess for five minutes.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed.

Mr. Wham: May I suggest, Mr. Examiner, that the Independent Union be referred to as Independent rather than a shop union, because as a matter of fact we include more than just the shop.

Trial Examiner McCarthy: I am sure counsel will respect your request, I can't help how the witnesses re-
377 fer to it.

Mr. Wham: Of course, if they quote some conversation in which it was referred to as a shop union, that is proper.

Q. (By Mr. Reynolds.) Now, Mr. Johnson, did you ever see any notices put up around the plant concerning the affairs of the Independent Union?

A. Oh, yes, they have a bulletin board in the machine shop, one in the foundry, one in the steel shop.

Q. How many bulletin boards do they have?

320 *Witness for National Labor Relations Board.*

A. I know of those three, and one in the pattern shop. I don't recall how many in the office, I don't know whether it is one on each floor or not. There is one probably anyway.

Q. You know of at least four?

A. I know of at least five.

Q. Now, how long have those bulletin boards been up around the place?

A. They have been up shortly after the notice went out that the Independent Union had received recognition.

Q. (By Trial Examiner McCarthy.) When was that to the best of your recollection?

A. I don't know the date.

Q. (By Mr. Reynolds.) What was the date, do you know? What was the notice?

A. I don't remember the date.

Q. What did you see?

378 A. I didn't see any date, I am trying to think what date it was.

Q. I show you Board's Exhibit 10 and ask you if you ever saw that before?

(Handing document to the witness.)

A. This is what was on the bulletin board.

Q. What date does that bear?

A. April 21st, 1937.

Q. (By Trial Examiner McCarthy.) Is that the notice that you referred to there as the first notice?

A. This is the first notice I noticed on the bulletin board.

Q. The first notice?

A. Yes.

Q. (By Mr. Reynolds.) It was after you saw that first notice that the bulletin boards were installed?

A. Shortly after that.

Q. Now, do you know where those bulletin boards were made? And under what circumstances?

A. They were made in the pattern shop.

Q. By whom?

A. By a man by the name of Eric Anderson.

Q. How did he happen to do that?

Mr. Ford: I object to that as calling for a conclusion.

He does not know how Eric Anderson happened to do

379 that.

Trial Examiner McCarthy: He may answer.

A. The boss came to him, Carlson came to him.

Q. (By Mr. Reynolds.) What is his position?

A. He is the boss of the pattern shop.

Q. What did he say?

A. How to make them, to cut them out.

Mr. Ford: I object to this as being hearsay far removed. I think before we go on, that the time and place and the presence of this witness at that meeting should be established. Otherwise, it is hearsay, certainly, several degrees removed.

Q. (By Mr. Reynolds.) Did you see this take place?

Trial Examiner McCarthy: Objection overruled.

A. I did not.

Q. (By Mr. Reynolds.) How do you know that this thing happened?

A. Eric Anderson told me himself.

Q. What did Carlson tell Anderson?

Mr. Ford: Now, I object to this hearsay, as to what Carlson told Anderson.

Trial Examiner McCarthy: Objection overruled.

Mr. Ford: I will offer at this time to make available the persons alleged to have had that conversation and put them on the stand so that they can testify first hand.

380 Trial Examiner McCarthy: You may proceed.

The Witness: Carlson told Anderson—he says, “Throw these out in a hurry.”

So Anderson went ahead and cut them out.

Q. (By Mr. Reynolds.) And then what was done with them?

A. Then they were taken—I don’t know where they disappeared to, the next I saw he was cutting a stencil in the shipping room for the Independent Union.

Q. Who cut it?

A. Fröhling.

Q. And what was the purpose for which the stencil was cut?

A. It was written on there “Independent Union of Craftsmen”.

Q. Do you know whether any other printing work of the Independent Union of Craftsmen was done on the company’s premises?

A. Well, some of the papers that came out, these notices, were printed on the mimeographed machine of the Link Belt.

Q. How do you know that?

A. Bob Ellison up in the planning room made that remark to me.

Q. Now, did you notice any other equipment of the Independent Union which was prepared in the plant?

A. No, I did not.

Mr. Ford: I object to the question. He has not noticed anything which was prepared in the plant at all.

Q. (By Trial Examiner McCarthy.) Was there anything else prepared in the plant that you know of?

A. Not that I know of, not right offhand.

Q. When you refer to equipment, do you mean chairs, tables or what do you refer to?

Q. (By Mr. Reynolds.) Or any other furniture of a description made for the Independent Union?

A. No, not that I know of.

Q. Was there any other remark or statement made to you about the C. I. O. other than those you have already mentioned, by a foreman or supervisory officer?

A. No, not with regard to the C. I. O.; no.

Q. Anything concerning the Independent Union?

A. Well, I have had some of the lads like John Bailey make a remark—

Q. Who is he?

A. He works in the planning room.

Q. (By Trial Examiner McCarthy.) What were his remarks?

A. He made the remark that I couldn't join the Independent Union now if I wanted to.

Q. Did he say why?

A. He didn't say exactly why, but the only conclusion I drew was because I was active in the C. I. O.

Mr. Reynolds: That is all.

Mr. Ford: I move that the answers be stricken as unresponsive. He was asked about supervisors, and 382 has not told about any supervisors.

Q. (By Mr. Reynolds.) Is Mr. Bailey a foreman or an assistant foreman or a straw boss?

A. No, he is—I don't know, he is a clerk, I guess, in the planning room, a clerk for the steel shop; only he is not a rate setter, he is a clerk. That is all I know that he is.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Ford.) John Bailey is just another workman out there, isn't he?

A. No, he is a clerk.

Q. A clerk?

A. He is a clerk in the office, the planning room.

Q. Is he a foreman or supervisor; is he given the right to hire or fire? Is he anybody's boss?

A. No.

Trial Examiner McCarthy: He said he was a clerk.

Mr. Ford: Then I move that his answer as to what John Bailey said be stricken as not responsive and immaterial.

Trial Examiner McCarthy: Overruled.

Q. (By Mr. Ford.) Who is Bob Ellson?

A. Bob Ellson has charge of the second floor of the planning room.

Q. Is he your boss?

383 A. He is not my boss.

Q. Did he tell you that the notices of the Independent Union were printed on the plant mimeograph machine?

A. He made that remark, yes.

Q. Is he a member of the C. I. O.?

A. No, sir.

Q. Is he a member of the Independent Union?

A. That I don't know.

Q. Did you ever see any notices printed on the company's mimeograph machine?

A. The paper I have seen corresponds to the paper I have seen which the company uses, which goes out through the plant.

Q. (By Trial Examiner McCarthy.) Did you see any notices printed on the mimeograph machines?

A. Not absolutely, no.

Mr. Ford: I move that his former answer be stricken as not responsive to my question.

Trial Examiner McCarthy: It will be stricken.

Mr. Ford: It will be?

Trial Examiner McCarthy: Yes.

Q. (By Mr. Ford.) What about this bulletin board that was to be thrown together in a hurry up in the shop? Do you know the circumstances under which the bulletin boards were prepared, how they happened to be built?

384 A. Which do you mean, the circumstances.

Q. Do you know how they happened to be built?

A. They were cut out with a bandsaw, if that is what you mean.

Q. Do you know whether the Independent Union of Craftsmen had taken up with the management the matter of putting up bulletin boards in the plant?

A. That I don't know, but they must have, because they put them on the wall.

Q. How long have you been a union man?

A. Before I came with the Link Belt?

Q. From the beginning of your union experience up to now.

A. I was in Local 134 of the Electrical Workers, I. B. E. W. I was in there six or seven years, served my apprenticeship there.

Q. Are you familiar with the fact that one of the first things that a union in these days asks for is the use of bulletin board space?

A. That is right.

Q. You know that is a fact, do you not?

A. Yes, bulletin board space.

Q. And you—do you know whether the Independent Union of Craftsmen had made such a request of the Link Belt Company?

A. How should I know that, I don't belong to them.

385 Trial Examiner McCarthy: You can answer that yes or no.

A. No.

Q. (By Mr. Ford.) Do you know who furnished the material for the bulletin boards?

A. The Link Belt Company.

Q. Do you know who furnished the labor?

A. The Link Belt Company.

Q. Do you know how many bulletin boards there were up there in the shop to be built?

A. In the shop?

Q. That you saw being built, or did you see them being built?

A. I seen them start to cut them, I know they got the order. I seen they got the order as I walked through there.

Q. Do you know whether they were built to order?

A. Up there in the pattern shop, yes.

Q. Did you see that?

A. The man who built them told me he had.

Q. Did you see them?

A. I seen the boards, yes.

Q. Did you see the boards being built?

A. I can't stand around and watch them.

Q. Who built them?

A. Eric Anderson.

386 Q. Eric Anderson?

A. Yes, sir.

Q. What is Eric Anderson's job?

A. He is a pattern maker.

Q. Is he a foreman?

A. No, sir.

Q. Is he a supervisor?

A. No, sir.

Q. And did you hear Carlson tell Anderson to build them?

A. I didn't hear Carlson tell Anderson to build them, no, sir.

Q. Do you know what Carlson's job is?

A. Carlson is foreman of the pattern shop.

Q. Was he at that time?

A. Yes, sir.

Q. Now, how many times have you been warned to keep moving and not stop and talk to employees around the plant?

A. I have been told by Mr. Pyle. Mr. Berry has spoken to my dad to the extent that he talked to me, that I was doing too much talking around the plant.

Q. Anybody else?

A. Outside of just the foreman coming around and asking me what I am doing, when I have been doing it for a long time, they never bothered me before.

Q. What did they tell you about keeping moving?

387 A. They asked me, "What are you doing here?"

Q. And did you move on after that?

A. I would go about my business after I was told to keep on moving.

Q. Did any of them ever tell you that you should belong to one union or should not belong to another?

A. No.

Q. Did any of them ever tell you that you should not take up the time of your fellow workmen when they were busy on a job?

A. Oh, yes.

Q. Do you know a man by the name of Bjork who worked with you?

A. Yes, sir.

Q. And each of you would go around the plant shooting trouble?

A. Yes, sir, not always together, no.

Q. That is your job, between you?

A. Yes.

Q. To be available to go from place to place in the plant where they had trouble and take care of it?

A. Yes, sir.

Q. What is your hourly rate of pay, your present hourly rate of pay?

A. 90 cents.

388 Q. 90 cents?

A. Yes, sir.

Q. And can you tell me what your rate of pay was from September 21st to November of 1936?

A. No.

Q. Do you know what it was from November to December 31, 1936?

A. No, I couldn't tell you that, I don't remember.

Q. Do you know what it was from immediately following December 21, 1936?

A. No. I received increases over there, gradually from the time I started, when I got 50 cents an hour.

Q. (By Trial Examiner McCarthy.) You started at 50 cents an hour and are up to 90 cents an hour now?

A. Yes.

Q. (By Mr. Ford.) Do you know what Mr. Louis Salmons' present rate of pay per hour is?

A. His present rate?

Q. Yes.

A. I believe it is a little better than a dollar.

Q. Did you testify that you received four to eight hours per week more work than Louis Salmons did after he got back?

A. I testified he was at the bench, not on maintenance.

Q. He was at the bench, not on maintenance. You for a period after his return in December, 1936, got four to 389 eight hours per week more than he did?

A. Yes, sir.

Q. And you were a member of the union at that time?

A. In what way?

Q. You were a member of the C. I. O. at that time?

A. I was a member of the C. I. O. shortly after Louis came back, yes.

Q. And after that time you received four to eight more hours per week?

A. I was receiving it all the time he was gone and before he left.

Q. You were also receiving that before he left?

A. Yes.

Q. You testified here—

A. I was not receiving—let me get this straight—I was not receiving that much more just before he left, we were all on that basis.

Q. You received that much more after he got back?

A. After he got back.

Q. You and Bjork took over Salmons' work after he left in September, 1936?

A. Yes.

Q. Now, the two of you, between you, continued to do the work that he was doing prior to that time?

A. He was not doing it all alone.

390 Q. He was not doing it all alone?

A. No, he was not doing it all alone.

Q. Who was helping him?

A. We all pitched in once in a while around there. The work got heavier after that, two of us on it continually.

Q. Anybody else come into that department since then?

A. Oh, yes, they have hired two men since.

391 Q. Hired two men since?

A. Yes, sir.

Q. Do you know how much they are getting?

A. One is not getting anything.

Q. He is not getting anything?

A. No, sir, he is laid off.

Q. What is the other one getting?

A. Right now?

Q. Let us take a period from December, 1936, the latter part of December, 1936, until, say, April of 1937.

A. They are getting approximately the same hours we were getting.

Q. And that was how many?

Q. (By Trial Examiner McCarthy.) You refer to the new men?

A. The new men. That is what he is referring to, the new men, I hope.

Q. (By Mr. Ford.) I beg your pardon.

A. You are referring to the new men?

Q. Yes, I am referring to the new men.

A. Yes, sir.

Q. Do you know what their rate of pay was?

A. No, sir.

Q. Do you know whether it was greater or less than yours?

A. I believe it was less.

Q. Less?

392 A. That is what I believe, I don't know.

Trial Examiner McCarthy. Haven't you got a witness who will introduce the financial records which will show exactly?

Mr. Ford: Yes. What I am getting at, Mr. Examiner, on direct examination Mr. Johnson said that he was get-

ting more hours, and I am leading up to questions as to how the work can be distributed.

Q. (By Mr. Ford.) Isn't it true there is so much work to be done? That is true, isn't it?

A. What do you mean, there is so much work to be done.

Q. In other words, there is a certain amount of work to be done?

A. There is never a certain amount.

Q. Whatever there is it has to be done.

A. Whenever anything breaks down we have to do it, and sometimes we have to stay there even until midnight.

Q. And on Saturdays?

A. Yes, sir.

Q. And Sundays?

A. Yes, sir.

Q. Any time?

A. Yes, sir.

Q. Any time there is any work to be done it has to be done by those men in the maintenance department?

393 A. That is the understanding.

Q. Now, is it or is it not true that if more men were put in there on maintenance the hours of those who are now there would be further reduced?

A. No, I don't think so. If we had 40 employees, if it had to be done, it would be done.

Q. That is true, but the more men the less hours per week?

A. I wouldn't say that for trouble-shooting.

Q. Take your last week, for example. If you had more men there you would have less hours per week?

A. If we had more men we would all have to go home.

Q. You would all have to go home. Now, take the last week, the larger the number of men, the fewer hours you would work?

A. Not when the plant is running full force, no.

Q. Assume it is running full force and you have enough men to take care of all your maintenance electrical work, and you put another man in there, then what happens? He either has to stand around and do nothing or else take over some work of the other men, does he not?

A. We have two kinds of men, men that work on trouble-shooting and men that work on construction work. Now, you put more men on construction work and naturally you cut the hours down. In trouble-shooting we have just so many men that can be on the work, you can't have

them walking around on each other's fingers on the job.

394. Q. But you would have to dilute the number of hours of work if you put another man in there, would you not?

Mr. Reynolds: I object to that question.

The Witness: It is a little too deep for me.

Q. (By Mr. Ford.) I will drop that. How long have you worked there, four years did you say?

A. Four years, a little better than four years.

Q. Now, do you know, whether the work that Mr. Salmons is now doing was previously done outside of the plant?

A. No, the work he is at was not previously done outside the plant, no.

Q. It never was done outside the plant?

Trial Examiner McCarthy: You will have to answer yes or no so the stenographer can take it down.

A. I am forgetting about him. No.

Q. (By Mr. Ford.) Now, "Baldy" Johnson is the blacksmith?

A. Yes.

Q. This little "Splitz", who is that?

A. Little Splitz.

Q. Did you refer to Little Splitz?

A. That is Willie Syskauski.

Trial Examiner McCarthy: The foreman of the foundry.

The Witness: What the hell is his name—

Q. (By Mr. Ford.) That is Little Splitz?

A. Yes.

395. Q. Was Bill Syskauski soliciting members?

A. He was taking a list and writing their names down.

Q. Is that the incident—

A. That Mr. Lackhouse referred to, yes.

Q. That Mr. Lackhouse referred to a while ago?

A. Yes, sir.

Q. Do you know anybody whose name was signed by Syskauski who didn't want their names signed by him?

A. I don't know whether they had any choice,—

Q. For the time being, just answer my question, whether you do know of anybody whose name was signed by him who did not want their names signed by him?

Trial Examiner McCarthy: I think the witness testified that his information is the same as the prior witness.

330. *Witness for National Labor Relations Board.*

Q. (By Mr. Ford.) Now, where was this meeting at which Paul Bozurich and Mr. Wham were present?

A. Over to the hall, 3143 Halsted Street.

Q. When was that meeting?

A. I don't remember the date.

Q. Can you give me the approximate time?

A. No, sir, I can't give you the approximate time, only it was after they first came out with their white initiation cards.

Q. When did you join the C. I. O.?

A. I joined the C. I. O. after Louis Salmons came back.

396 Q. So that you were a member of the C. I. O. at the time of this meeting?

A. Yes, I was.

Q. And you were also a member of the C. I. O. at the time you intended to attend the meeting at which you were refused admittance?

A. I was.

Q. Had you been drinking the night of your second meeting that you referred to?

A. The night of the second meeting?

Q. Yes.

A. I guess I had a glass of beer or so, yes. What has that got to do with this?

Q. Do you know whether there are two employees names Siskauski out there?

A. No, I don't know the names of most of the lads in the foundry.

Q. Now, is Siskauski the man who is—

A. Siskauski is the man who is working on the steel floor.

Q. Who is the man they call Splitz?

A. Bill Splitz, they call him Two-by-Four Bill Splitz.

Q. Now, is he a crane man?

A. No, he is a foreman on the iron floor.

Q. And do you know what instructions were given to the Independent Union of Craftsmen with respect to 397 building bulletin boards?

A. What instructions?

Q. Were given to them by the management?

A. Given to the Independent? I don't know anything about that.

Trial Examiner McCarthy: The witness has testified that he was not a member of the Independent.

Mr. Ford: I thought perhaps somebody might have

told him what the management told them with respect to that.

Mr. Wham: He did testify that he joined the Independent.

The Witness: I testified I signed the petition.

Trial Examiner McCarthy: With "Baldy" Johnson.

Q. (By Mr. Ford:) Now, when you talked to Fred Pyle, what was that conversation you had with him? Did he say something to you about the fact that you had been talking to the boys too much?

A. He claimed I was standing around talking to the boys too much, yes.

Q. Is that all that he said?

A. Then he referred to Louis Salmons.

Q. He said he didn't want the same thing happen to you that happened to Louis Salmons?

A. It started out that I was talking to the boys too much, and I couldn't get what he was driving at, 398 because I hadn't been talking to them anymore than I usually do.

Q. In other words, you had been talking to them?

A. It is natural for a maintenance man when he goes around to talk to them, because he knows almost every man in the plant.

Q. What did Joe Forss tell you when he told you that Mr. Pyle wanted to see you?

A. That is all that was said to me, "Mr. Pyle wants to see you over in the office."

Q. What did Pyle say to you about the amount of talking he would allow you to do?

A. I asked him if I should go around the plant like a clam and not talk to anybody at all. He said, "Use your own judgment, cut it down."

Q. Cut it down a little?

A. Yes, don't be standing around talking, taking up their time.

Q. When was the first time you were ever warned about standing around and talking with the other employees?

A. Oh, I believe the first time was the time Mr. Berry spoke to my dad.

Q. Do you remember when that was?

A. No, I don't.

Q. Can you give me an idea as to approximately when it was?

399 A. No, I couldn't do that either.

Q. Was it a long time ago?

A. Oh, it was quite some time ago.

Q. It was quite some time ago?

A. Yes.

Q. Did Mr. Berry ever speak to you personally about keeping busy on the job?

A. He did once.

Q. What is that?

A. Yes, he did.

Q. Do you remember when that was?

A. I happened to be in the foundry when we were tearing down the dog shed—

Trial Examiner McCarthy: What does keeping busy have to do with this case?

Mr. Ford: That is the statement that was made to him, according to his testimony, to keep busy and not interrupt other people while at their work.

Trial Examiner McCarthy: That is a little different, interrupting other people. It all revolves around a question of union activity. Keep your cross-examination strictly within that issue.

Q. (By Mr. Ford.) Did anybody ever talk to you about union activity?

A. Just what Mr. Pyle told me.

400 Q. Do you know why Louis Salmons was fired?

A. For union activity.

Q. Do you know that?

A. Yes, sir.

Q. Where were you when he was fired?

A. I was working in the plant.

Q. Did you see him when he was fired?

A. I seen him when he came back.

Q. That is why you think he was fired for union activity?

A. Yes, sir.

Q. Were you up here yesterday?

A. No, sir.

Q. Did you hear Louis Salmons' testimony?

A. No, sir.

Q. Has anybody told you what he testified to?

A. No, sir.

Q. What he said on examination?

A. No, sir.

Mr. Ford: I am a little confused by the Examiner's remark, and if I am in error I stand to be corrected. I believe that the witness has not testified that at any time he was ever spoken to concerning any union activities. True, it was mentioned Louis Salmons was fired. The tes-

timony of Mr. Salmons on direct and on cross-examination yesterday indicated that he had been running around
401 the plant interrupting other people.

Mr. Reynolds: I object to that, his testimony was no such thing.

Trial Examiner McCarthy: The record will speak for itself.

Mr. Ford: The record will speak for itself, yes. He testified on cross-examination when he came back to work one condition under which he came back to work, or rather, the only point mentioned on that was that he not carry on any such activities in the plant.

Trial Examiner McCarthy: I don't see what that has got to do with keeping busy.

Mr. Ford: I am trying to find out if anybody ever said anything to him about union activities.

Trial Examiner McCarthy: Ask him.

Mr. Ford: Apparently this man has been spoken to by a number of people, and there is the inference, at least someone is trying to make the inference that was the fact that he belonged to the union or carrying on union activity.

Trial Examiner McCarthy: I understand that is the position of Board's counsel.

Mr. Ford: I think it is competent to show that here is a man who was being constantly checked up to keep busy at his work and not interfere with other people, and do what he was supposed to do, and it had nothing to do with
402 union activity. Here is a man with a long history of having to be checked up by his foreman.

Mr. Reynolds: I object to this speech in the record.

Mr. Ford: I will make all the speeches I want to make in the record.

Mr. Reynolds: I don't know whether you will or not. I ask that we go off the record.

Trial Examiner McCarthy: Off the record.

Mr. Ford: I would like to have this in the record and have the reporter instructed to write it up in our copy with the proper page number and the letter following the page number.

Trial Examiner McCarthy: You may do that.

Mr. Reynolds: I don't think it is fair to criticize testimony which is in the record.

Mr. Ford: You have been criticizing me, and criticizing everything that we have done, and I am asking—

Trial Examiner McCarthy: That is unfair.

Mr. Ford: I will try this case as I see fit.

Trial Examiner McCarthy: We will recess for five minutes.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Ford.) At these times when you were told by your foreman or other supervisors to move on, or
403 at times when you were asked what you were doing there, and things of that kind, that you testified to, had you been soliciting members for the union?

A. I never solicited members on company time.

Q. You never did?

A. No, we did it on our own time.

Q. I mean, this time that you testified to, were you soliciting members at that time?

A. I never carried any cards with me.

Q. Were you spreading union propaganda at that time?

A. No.

Trial Examiner McCarthy: What is called union propaganda?

Mr. Ford: Anything that he wants to tell us.

The Witness: What would you call union propaganda, I don't know.

Q. (By Mr. Ford.) Were you organizing at that time, trying to organize these men in the union?

A. Not doing organizing, only the same talk which was going all over the plant. They asked me questions about it.

Q. In other words you were not doing anything out of place at these times?

A. Only the same as I always have talked with them.

Q. Did any supervisor or foreman ever tell you to stop talking about the union?

404 A. No, they never came out and told me to stop talking about the union.

Q. Did any of them ever tell you to stop organizing?

A. No.

Q. Did any of them ever tell you to stop soliciting members?

A. No. The same question three times.

Trial Examiner McCarthy: That is a little different, each one is a little different.

Q. (By Mr. Ford.) What are your average earnings per year, say for the past year?

A. For the last year?

Q. Yes.

A. I think my—

Q. Your total earnings for the year?

A. I think my sheet shows \$2,490, I believe it was.

Q. About \$2,490. Did you ever tell Louis Salmons how much you made last year?

A. I believe he saw that sheet, that slip that came through, yes.

Q. Did you tell him?

A. I don't recall whether I did or not, I may have talked about it.

Q. If you did tell him how much you made, how much did you tell him you had made?

405 A. Just what I had on my slip.

Q. \$2,490?

A. Yes.

Q. Had any of these foreman or supervisors ever told you not to talk to men who were not working or when you were outside of the plant? Did they ever say you must not talk to these men when they were outside of the plant?

A. No, they never have.

Q. I think I asked you this question, and I think could not remember at that time, but perhaps you can remember now; when the first time was when a foreman or supervisor spoke to you about interrupting other employees or standing around or not being where you ought to be.

Q. (By Trial Examiner McCarthy.) Did any foreman tell you that?

A. Any foreman?

Q. Yes.

A. Directly?

Q. Yes.

Q. (By Mr. Ford.) Foreman or other supervisor?

A. Not directly about standing around the workingmen, no.

Q. Now, what were these things that you testified to?

A. I was testifying—

Trial Examiner McCarthy: Just a minute, what are you referring to, Mr. Ford?

406 Mr. Ford: Well, he has testified about one man, and I want to know what he was doing there. Another man—

Trial Examiner McCarthy: What man?

Mr. Price: Charles Leonard, the foreman.

Trial Examiner McCarthy: Who followed right behind him?

Mr. Ford: Yes, I want to know what he was doing. Another man, Fred Pyle, said he was talking too much.

Trial Examiner McCarthy: Yes.

Mr. Ford: I want to know when the first time was any

foreman or supervisor ever made any such statement to him.

Trial Examiner McCarthy: Made what statement?

Mr. Ford: You are walking around and talking to these employees too much.

The Witness: I never had any remarks made to me outside of what Fred Pyle had told me.

Q. (By Mr. Ford.) How many times did the foremen make similar remarks when you were in the departments that they were supervising?

A. I testified before that they came up and asked me what I was doing there, and followed me around, until I got fired.

Q. When was the first time, when was the first time that occurred?

A. What do you want, the date?

Trial Examiner McCarthy: Approximately.

407 Q. (By Mr. Ford.) As near as you can remember about when it was?

A. As far as dates are concerned, I am lost.

Q. This had not happened just recently, but it had been going on for some time?

A. No, there has been nothing recent on that. This is all back sometime ago in the last year. As far as dates, I wouldn't know.

Q. Was it as far back as the first of last year?

A. The first of last year?

Trial Examiner McCarthy: 1937, January 1937.

The Witness: It may have been around in the spring, you may say, around March or April, around there some place.

Q. (By Mr. Ford.) You don't know exactly?

A. I do not.

Mr. Ford: That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) Do you remember whether these statements that were made and the action that you observed on the part of the foremen while you were in their departments occurred sometime during the time the Independent Union of Craftsmen started?

A. The Independent Union of Craftsmen had their red buttons at that time, yes.

Mr. Wham: What was that answer?

408 (Answer read.)

Mr. Wham: I don't see any connection between the question and the answer.

The Witness: It was shortly after they got their agreement that their white cards and red buttons came out. It was around that time.

Q. (By Trial Examiner McCarthy.) Do you know when they got their agreement?

A. According to that (indicating), April 21st. That is the only date I know.

Trial Examiner McCarthy: They have been trying to find out what the date was.

The Witness: It was around that time there.

Mr. Wham: What statements of the foremen, and so forth, are you referring to?

Q. (By Mr. Reynolds.) You refer to the statements of Mr. Pyle and Mr. Leonard, I believe?

A. Yes, sir.

Q. You also made reference to the fact that the foremen, at least one foreman, followed you around when you were in his department.

A. The same Leonard.

Trial Examiner McCarthy: The same Leonard?

Q. (By Mr. Reynolds.) That was Mr. Leonard?

A. Yes, sir.

409 Q. Now, did anybody else besides Mr. Leonard follow you when you were in a particular department?

A. Well, I couldn't say. What do you want, a yes or no answer to that?

Trial Examiner McCarthy: You can explain it.

The Witness: In the foundry I noticed—I would be up on gantry crane—I would be up there once in a while to check the motors, on the gantry crane, and Mr. Skeets usually followed me. I would go up on a ladder, and Mr. Skeets followed me down there. Why, I don't know. He said nothing about soliciting.

Q. (By Trial Examiner McCarthy.) Was there any man you could solicit up there?

A. There was a man running the gantry crane, but I was on top watching the motors, so there was nobody I could talk to.

Q. (By Mr. Reynolds.) Mr. Leonard was the only one you spoke to about following you. Will you tell us again exactly what it was that you told him?

A. About whether I should get a leash?

Q. Yes.

A. He followed me over to the cold roller department, and I asked him what was the idea.

Q. What did he say?

A. I said if I needed a dog I will get a little leash. He says, "Don't make it any harder than it is now. They
410 are after me for you guys." Whether he meant me or the C. I. O. or the Independent Union, or what, I don't know, but that was the remark he made.

Q. In around about that time did you engage in the various departments in conversation any more than you usually did?

A. No, I would not dare.

Mr. Reynolds: That is all.

Recross Examination.

Q. (By Mr. Ford.) Do you know who operated this gantry crane you climbed on top of?

A. Bob Galloway.

Q. Is he a colored man?

A. Yes.

Q. Is he a member of the C. I. O.?

A. Yes, sir.

Q. You would not have to solicit him?

A. I can't if he is running the cab and I was on top of the crane. I couldn't get in the crane when he is running it.

Mr. Ford: That is all.

Cross-Examination.

Q. (By Mr. Wham.) You related that Frank Lackhouse's foreman, named Siskauski, took some signatures?

A. Yes.

Q. What department was that in?

411 A. In the foundry department on the side floor.

Q. Were you in there very much?

A. I came in there six or seven times a day, maybe less, maybe oftener.

Q. You just happened to be there at the time?

A. I was walking around there.

Q. And you just stood there and watched?

A. Not very long.

Q. You didn't have any understanding with Frank Lackhouse at the time, did you?

A. No, sir.

Trial Examiner McCarthy: In what connection?

Mr. Wham: Any connection, taking Independent signatures.

The Witness: I didn't know anything about it at that time.

Q. (By Mr. Wham.) He was a C. I. O. member at that time, was he?

A. Yes, sir.

Q. And you were C. I. O.?

A. Yes, sir.

Q. This meeting of the Independent Union that you attended, you created a disturbance there?

Trial Examiner McCarthy: Which one?

Q. (By Mr. Wham.) The one that you got into?

412 A. What is that?

Q. You created quite a disturbance there, didn't you?

A. If that is what you want to call it.

Q. What do you call it?

A. I just asked for the floor to talk and all I could get out of you was "Mr. Chairman."

Q. Mr. Chairman?

A. Yes, you called for Mr. Litster to gavel me, shut me up, or something, I don't know what.

Q. What was this about the application of the Independent preventing the joining of any other union. Was there some objection raised to it?

A. He had an objection raised. He will probably tell you more himself about it when he gets on the stand, about the incident, and what occurred about that application card of the Independent Union. He was questioning you on that, and you questioned whether he worked at the Link Belt Company.

Q. What was your question?

A. I didn't get a chance to finish, I was going to ask you to explain that card and your by-laws.

Q. As I understood it his point was that you could not join but one union if he signed that application?

A. That is what he started out to tell you when you told him to shut up.

Q. He must have gotten through telling the thing
413 that he wanted to say, because you got his point.

A. I got his point, yes.

Q. Do you think a fellow should join two unions?

A. What do you think?

- Q. I am asking you, you are on the witness stand.
 A. I don't, but they do, the Independents do.
 Q. Does the C. I. O. ever do that?
 A. The C. I. O. had the men before the Independents signed them up.
 Q. You signed up?
 A. I didn't join two. I signed the petition, I didn't sign a card.
 Q. What did you think you were doing?
 A. Christ knows what I was doing, nobody else knows.
 Q. What?
 A. Nobody else did either.
 Q. Do you know what everybody else knows?
 A. That is going to run into an argument.
 Mr. Wham: That is all.
 Trial Examiner McCarthy: That is all.
 Mr. Reynolds: Just one more question.

Redirect Examination.

- Q. (By Mr. Reynolds.) Do you know a man named Charles Borders?
 A. I do.
 414 Q. Do you know whether he is a member of any union?
 A. He is a member of both of them.
 Mr. Wham: Charles Borders?
 Mr. Reynolds: Yes.
 Q. (By Mr. Reynolds.) Did you ever have any conversation with him about the Independent Union of Craftsmen?
 Mr. Ford: Mr. Examiner, I would like to point out that this is not proper redirect examination. If we can't come to some stopping point we will be here all night.
 Trial Examiner McCarthy: What is the purpose of this question?
 Mr. Reynolds: To try and connect the company up with the Independent Union. That is the purpose of it. I will admit I did not bring it out on direct examination, if you are going to adhere to the scope of direct and cross-examination.
 Trial Examiner McCarthy: You may answer.
 The Witness: Well, I just didn't get what your question is.

Trial Examiner McCarthy: Read the question over again.

(Question read.)

A. I am trying to think. As far as the organization of the Independent Union and the C. I. O. goes, that was going around the plant all the time. I don't remember anything specific.

415 Q. (By Mr. Reynolds.) Do you know how Mr. Borders joined the Independent Union of Craftsmen?

A. I asked that, in that respect he told me—

Mr. Ford: Just a minute, let us have the date, let us fix the time.

Q. (By Trial Examiner McCarthy.) When was this, when did he tell you?

A. What do you mean, the date?

Q. Yes, approximately the date.

A. That was shortly after these things came out, when they came out with the white cards.

Q. In the spring of 1937?

A. In the spring of 1937.

Q. What did he tell you?

A. I asked him where he got the white cards, and he said the yard foreman had them.

Q. What are the white cards?

A. The Independent Union application cards.

Q. Did he tell you that he got his cards from the yard foreman?

A. I asked him where he got them, and he said from the yard foreman.

Q. (By Mr. Reynolds.) What is Mr. Borders' job?

A. He is fireman in the power house.

Q. (By Mr. Ford.) Is he a supervisory man or a
416 regular employee?

A. He is an employee.

Mr. Ford: I object to further examination of this man on what Borders said. If it is impossible for the Board to produce the witness and find out directly from him, and put him on the stand, I will undertake to bring him in and deliver him to Mr. Reynolds so that he can examine him. I don't think it is proper to examine this witness about something concerning another man, which that man can testify to.

Trial Examiner McCarthy: Will you produce the witness?

Mr. Ford: I will produce him if he is unable to produce him.

Trial Examiner McCarthy: You will produce him. Will you at least bring him down?

Mr. Ford: If Mr. Reynolds can't get him.

Trial Examiner McCarthy: Is he working in the plant?

Mr. Ford: I don't know, but I will get him.

Trial Examiner McCarthy: You mean you are hopeful of getting him.

Mr. Ford: I will produce him.

Trial Examiner McCarthy: How can you if Mr. Reynolds can't produce him?

Mr. Ford: I don't know that Mr. Reynolds can't.

Trial Examiner McCarthy: Is there any reason 417 why he couldn't?

Mr. Ford: None whatever. He is working at the plant, I am told. We never even tried to get him, as far as I know. He is available for him. If he can't produce him and get him down here, I will undertake to produce him, provided he is still alive and able to come.

Mr. Reynolds: If I may ask one or two questions further perhaps there will be no further need to call the witness.

Q. (By Mr. Reynolds.) Is Mr. Borders a foreman?

A. No, he is just a fireman.

Q. Did he ask you to join the Independent Union?

A. No.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Ford: I move that the testimony of the witness be stricken with respect to what Borders is alleged to have told him concerning joining any union.

Trial Examiner McCarthy: Motion denied.

Mr. Ford: On the ground of hearsay and that the direct evidence is available to the Board.

Trial Examiner McCarthy: Motion denied.

Mr. Ford: May I inquire if the Board proposes to produce Charles Borders for examination?

Mr. Reynolds: I will be glad to question him if he 418 is available.

Mr. Ford: Well, do you propose to call him as a witness?

Mr. Reynolds: No, I do not.

Trial Examiner McCarthy: Call your next witness.

Mr. Reynolds: Mr. Sullivan.

DONALD SULLIVAN, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address, please.

A. Donald Sullivan, 4205 South Princeton Avenue.

Q. Are you an employee of the Link Bent Company?

A. Not at the present time.

Q. Were you discharged or laid off?

A. That is pretty hard to define, this last layoff, whether I have been discharged or laid off. I questioned Mr. Longwell on that, whether I was fired complete or laid off and he said it was a complete layoff. I didn't exactly get the meaning of that.

Q. What was the late date on which you worked?

A. January 28th.

Q. 1938?

A. 1938.

419 Q. Prior to that time how long had you worked for the Link Belt Company?

A. You mean as to seniority rights or as to the number of years altogether? The reason I ask that there is some confusion about the length of my seniority rights.

Q. (By Trial Examiner McCarthy.) How many years have you been working at the plant?

A. Well, that is what I say, I claimed to have nine years, and they claim four years.

Q. Have you been there nine years?

A. I claim nine years.

Q. What were you doing the other five?

A. There had been a layoff during the depression.

Q. You were not working then?

420 A. I was not working then, no. According to the agreement they had with the employees before, I was given to understand we would be given credit for our lay off during the depression.

Mr. Ford: Are we trying another complaint case here concerning Mr. Donald Sullivan?

Mr. Reynolds: What does the complaint say?

Mr. Ford: The complaint does not say.

Trial Examiner McCarthy: Proceed.

Q. (By Mr. Reynolds.) Are you a member of the C. I. O., Mr. Sullivan?

A. Yes, sir.

Q. When did you join?

A. One or two weeks after the Labor Act was declared legal by the Supreme Court, I don't know the correct date.

Q. Who asked you to join?

A. Nobody, I asked Louis about joining.

Q. Did you participate?

Q. (By Trial Examiner McCarthy.) Who is Louis? Louis Salmons?

A. Louis Salmons.

Q. (By Mr. Reynolds.) Did you participate in the C. I. O. activities ever since?

A. Let's see, I would say yes.

Q. Have you attended the meetings?

421 A. I have attended the meetings.

Q. Now, were you ever asked to join the Independent Union of Craftsmen?

A. A number of times.

Q. Now, will you state what those occasions were and where they occurred?

A. Well, the first time was in the washroom in the steel shop.

Q. About when?

A. I am not sure of the date, it was the day—the first day they had—that their application papers came out, when they were asking for the signatures; that is, the first sheet that had some writing on it and a number of sheets behind it blank.

Q. Who asked you?

A. George Linde.

Q. Was this during working hours?

A. Yes, sir.

Q. What did you tell him?

A. I told him to save the last space on the last page for me; by that time I would have made up my mind.

Q. Did anyone else approach you later?

A. I couldn't give you a definite time, but Mr. Brucks approached me later.

Q. Who is he?

422 A. Hubert Brucks. I don't know whether he has a title or not. He did have a title as a foreman on nights for a while, but not at the time he approached me.

Q. What did he say to you?

A. He asked me why my name was not on the line.

Q. What did you say?

A. I said—I don't recall the exact words I used.

Q. Did you sign?

A. No, sir.

Q. Did anybody else approach you?

A. Yes, sir.

Q. First, was this conversation with Mr. Brucks during working hours?

A. Yes, sir, in the washroom.

Q. And did you see him or Mr. Linde talking with anyone else?

A. No.

Q. Now, what was the third occasion that anyone approached you about it?

A. The third occasion was when George Linde spoke to me about four-thirty one day a couple of weeks later.

Q. What did he say?

A. Well, he come over and told me that he just had been up to a meeting with Berry about the union, and he tried to convince me what good they were doing; also 423 mentioned the men who were always asking for a strike, or saying that they would strike if they did not get their demands; and he said he was against that because they couldn't gain anything by striking. He also said he would like to have me with them because they considered that I was one of the old bunch; and he made references to the C. I. O. as being a—oh, not a reliable organization, but sort of threw reflections on them as Communists and radicals.

Q. Is that all the conversation you had with Mr. Linde?

A. That is just about all.

Q. Now, did anybody else approach you later?

A. Johnnie Bailey approached me later, also on company time.

Q. What is his job?

A. I always had the idea that he routed the jobs through the shop, and an office clerk. That is his duty, to route the jobs through the shop.

Q. Was this near the time that Mr. Linde spoke to you the second time?

A. Yes, that was a couple of days later.

Q. What did you say to Mr. Bailey?

A. To go back there, I want to strike out that statement if I could, about a couple of weeks later that Linde came

up to me and talked, I am not sure about that couple of weeks later.

424 Q. All right.

A. But the afternoon that Johnnie Bailey spoke to me was the afternoon of a Wednesday, and that Wednesday night there was a meeting—

Q. (By Trial Examiner McCarthy.) Of what?

A. A C. I. O. meeting; and he says they didn't have a chance, they ought to know better, I ought to join the Independent. And I told him that I was going to go up to one of their meetings and see what it was all about, then I would give him my decision.

In the meantime Leo DeRunze came over and he asked John if I would not join up with the union. John said, no; that is, Bailey said no.

Leo said, "I will see that he will join the union." That is, he was going to talk me into it.

Q. What union?

A. The Independent. Then Leo asked me to join the union.

I told him the same thing I told John, I would give him my decision in the morning.

Q. (By Mr. Reynolds.) Now, how much time did these various conversations that you have testified to consume?

A. Well, the first one with Linde, I would say it consumed about five minutes. The conversation with Brucks, I would say consumed about two minutes. The second conversation with George Linde I would say consumed
425 anywhere from half an hour to forty-five minutes; and my conversation with Johnnie Bailey and Leo DeRunze combined, I would say about twenty-five or thirty minutes.

Q. Was this during working hours?

A. Yes, sir.

Q. All of this?

A. Yes, sir.

Q. Any part of these conversations on your own time?

A. No, sir.

Q. Who was your foreman?

A. Gus Haney.

Q. Did you see him in the vicinity any time during the conversations?

A. No.

Mr. Reynolds: That is all.

Mr. Ford: Mr. Examiner, what appears to have taken place is quite obviously an organized drive between two

rival unions. Mr. Linde, Mr. Brucks, Mr. Linde again, Mr. Bailey, Mr. DeRunze, have not been identified in any way with the management, nor has it been established or even hinted that they were spending this man's time and their own with the sanction of the management.

Trial Examiner McCarthy: This is off the record.

(Discussion off the record.)

Trial Examiner McCarthy: You may proceed.

426 Q. (By Mr. Reynolds.) Mr. Sullivan, did you see anybody soliciting for the C. I. O. in the plant?

A. No, I never seen anybody soliciting for the C. I. O. in the plant.

Q. (By Trial Examiner McCarthy.) Did you see Salmons soliciting?

A. He didn't solicit the day I asked for an application. He was walking out over to the south end of the lunch room, the south stairway.

Q. What time was this, noontime?

A. Noontime, when I seen him.

Q. You didn't see him in the plant during working hours?

A. I didn't see him in the plant during working hours. What I am trying to get at is that the men came up to Louis in this instance and asked for the cards.

Mr. Reynolds: That is all.

Q. (By Mr. Wham.) What is Leo's last name?

A. De Runze.

Mr. Wham: That is all.

Mr. Ford: Nothing of this witness.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Reynolds: Mr. White, will you take the stand.

427 EDWARD WHITE, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address, please.

A. Edward White, 348 West 111th Place.

Q. Are you employed by the Link Belt Company?

A. Yes, sir.

Q. How long have you worked there?

348 *Witness for National Labor Relations Board.*

A. Well, I went to work there the first of August of 1933, that is, about four years and a half.

Q. In what department do you work?

A. Foundry.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join?

A. It was about September, 1936.

Q. Are you a member of the Independent Union of Craftsmen?

A. No.

Q. Were you ever solicited for membership?

A. Once.

Q. By whom?

A. A man by the name of Kovatch. John, I think is his first name.

Q. (By Trial Examiner McCarthy.) Where did he work?

428 A. At that time he was inspector on the back end. Now he is working up on the front doing something.

Q. (By Mr. Reynolds.) What did he say to you? Do you remember the date of that?

A. No, that was along about the middle of May.

Q. Of what year?

A. 1937.

Q. What did Mr. Kovatch say to you?

A. He just told me I was one of the old boys, I ought to join up with him, such as that. He just went on in a nice conversation.

Q. What did you tell him?

A. I just told him I had made my choice and I couldn't see any reason to change, I would stick to it until I seen a reason to change.

Q. How long did Mr. Kovatch talk with you?

A. Twenty minutes.

Q. Was this during working hours?

A. Yes, sir.

Q. What were you doing while he was stopping work?

A. I was coming from taking a pattern into the office. That is the place where they keep the patterns, by the office, and I was going to take it where I worked.

Q. (By Trial Examiner McCarthy.) Where do you work in the plant?

429 A. I work in the foundry.

Q. (By Mr. Reynolds.) Where were you standing while Mr. Kovatch was talking to you?

A. I was in the middle of the aisle, that is, where the foundry and the core room joined at that time. They have changed the location of the core room now.

Q. Did you see a foreman in the vicinity at that time?

A. No, I didn't.

Q. Did you see anyone else soliciting for membership in the Independent at any time?

A. Oh, yes, I have seen several when that drive was on. They are not doing it now but they were then.

Q. Who were they?

A. At that time there was the time keeper, Russell something.

Q. Erickson?

A. Erickson, yes.

Q. Did he talk with you?

A. He just went along the line there, every man he came to.

Q. In the foundry, do you mean?

A. Yes.

Q. How many men would you say that he talked to?

A. I guess he talked to most of them. He did not talk to me at that. He talked to the man I worked with, and I just kept on working.

430 Q. Did you hear what he said?

A. Just talking about coming to the meetings, and such as that.

Q. Was that during working hours?

A. Yes.

Q. Did you ever see anyone collect any dues for the Independent Union?

A. I have never seen anyone get any dues. I seen the steward asking a man in the foundry for 50 cents. I imagine that is what he wanted it for.

Q. The steward of the Independent Union?

A. Yes. That was the next day after payday and he asked if he had 50 cents. He said he didn't have, although he had already got paid. I was just saying this was my inference of what he wanted the 50 cents for.

Q. Did you ever see anyone soliciting for the C. I. O. in the plant?

A. Well, yes, a man that worked in the core room at one time, he is not there now.

Q. What did you see?

A. He used to go around at noontime and in the afternoon after work.

Q. During working hours?

350 *Witness for National Labor Relations Board.*

A. No, not during working hours, I never saw him during working hours.

431 Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Ford.) Mr. White, did your foreman ever try to influence you in your choice of unions?

A. Not in any way.

Q. (By Trial Examiner McCarthy.) Who is your foreman?

A. Well, I have a different foreman now. Mr. Skeets was foreman, he is superintendent now.

Q. (By Mr. Ford.) Did Mr. Skeets try to influence you?

A. No, sir, he never mentioned union to me in any way.

Q. Has your present foreman tried to influence you in any way?

A. Not since he has been foreman. Of course, we used to work together, I used to help him.

Q. Now, he is foreman?

A. Yes.

Q. What is his name?

A. Rudolph something, it is a Swedish name.

432 Q. Is that Rudolph Josephson?

A. I don't know if that is his last name or not.

Q. Did any other foreman or supervisor try to influence you in your choice of unions?

A. No, none of them ever said a word to me.

Q. When you made up your mind to join, you joined?

A. I joined, that is all there was to it.

Q. You have no objection, have you, to anybody in the plant knowing that you belong to the C. I. O.?

A. I wear my button right in the plant.

Q. You wear your button right in the plant and feel perfectly free to do so?

A. I have never been told not to.

Q. You have been getting along just the same since you joined as you did before?

A. I can't see any difference at all.

Mr. Ford: That is all. I make the same motion with respect to this witness' testimony as with respect to Mr. Sullivan's and move that it be stricken on the ground that it is not connected up.

Trial Examiner McCarthy: Motion denied.

Mr. Ford: With permission to renew at the end of the case?

Trial Examiner McCarthy: Yes.

Cross-Examination.

433 Q. (By Mr. Wham.) What is the name of the steward you saw collecting 50 cents?

A. His first name is Julius, he is a colored man.

Q. Julius?

A. I don't remember his last name, it is quite a common name, Robinson or something like that.

Q. Robinson?

A. Something like that.

Q. Who did he collect from?

A. I didn't say he collected 50 cents, he asked a man for 50 cents.

Q. And who was that man?

A. I can't name him, he has a long Lithuanian name, I don't know what it is. His first name is Simon. He has a long last name. I don't know if I could pronounce it if I saw it.

Q. This conversation which you had with Mr. Kovatch, you say that was twenty minutes?

A. Positively.

Q. You think it was at least twenty minutes?

A. It was positively twenty minutes.

Q. How do you know that?

A. Because I looked at the clock.

Q. You looked at the clock when the conversation began and when it finished?

434 A. When it was finished, and I told him, "You have taken up twenty minutes of the company's time."

He said, "No, I have rung my card out."

Then I asked him if he had rung my card out, and he said, "No."

Q. And do you remember what was said in that twenty minutes?

A. He tried to convince me in a way that the C. I. O. was a bunch of Communists, such as that.

Q. Just give us one minute of it, give one continuous minute's conversation that took place there.

A. You mean in actual words?

Trial Examiner McCarthy: You may tell the substance of it.

A. He simply told me where I was one of the old heads here; that is the way he talked, that I should be in there with them. He says, "We are all in this new Independent Union, we should work together."

I can't remember just the exact words, but he was trying to convince me.

Q. (By Mr. Wham.) In other words, he said, we are all together, old heads, and we should stick together?

A. Yes, sir.

Q. That didn't take twenty minutes?

A. That was his line of talk.

435 Q. He said that over and over again?

A. No, it was that line of talk.

Trial Examiner McCarthy: It is not material whether it took five minutes or twenty minutes.

Mr. Wham: You don't think so, Mr. Examiner?

Trial Examiner McCarthy: No.

Mr. Wham: What do you consider material?

The Witness: I didn't make a note of just what the words he used were.

Trial Examiner McCarthy: That is enough. You can go to some other question. Questioning him about the time that he took does not seem particularly material.

Mr. Wham: I was wondering what the Examiner thinks is a material matter. I am perfectly willing to move to strike the whole thing. Personally I don't see how any of it is material.

Mr. Reynolds: I object to the statement. He has given no foundation for his objection, and it is merely argument.

Mr. Wham: I will move to strike the whole testimony.

Trial Examiner McCarthy: Motion overruled.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: That is all.

(Witness excused.)

Mr. Reynolds: Mr. Tomas.

436 JOHN TOMAS, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) What is your name, please?

A. John Tomas.

Q. And what is your address, Mr. Tomas?

A. 5134 South Richmond Street.

Q. Are you an employee of the Link Belt Company?

A. Not at the present time.

Q. What was the last day on which you worked?

A. Last Friday.

Q. Last Friday?

A. Yes, sir.

Q. Prior to last Friday how long had you worked for the Link Belt Company?

A. In August, a year, in August past, one year, last August.

Q. You mean August, 1937?

A. Yes, that is about a year and four months, something like that.

Q. You mean August, 1936, don't you?

Trial Examiner McCarthy: 1936.

The Witness: 1937 was one year in August.

437 Q. (By Mr. Reynolds.) Are you a member of the C. I. O.?

A. Yes.

Q. When did you join the C. I. O.?

A. First when they start the big drive by the Link Belt Company.

Q. What year was that?

A. That was 1936.

Q. Did you attend meetings after that?

A. No, that was a mistake, that was 1937.

Q. (By Trial Examiner McCarthy.) In the spring-time?

A. Just about this time of the year.

Q. About March, 1937?

A. Yes.

Q. (By Mr. Reynolds.) Did you attend meetings of the C. I. O.?

A. Yes, sir.

Q. Do you now attend meetings?

A. Sir?

Q. Do you still attend meetings of the C. I. O.?

A. Yes.

Q. Were you ever asked to join any other organization?

A. Yes, I was.

Q. When?

A. When there was a big majority who signed up for the C. I. O., then the foreman from my department 438 comes around, Big Louie. He stopped me from the work and asked that I should join the union.

I say, "I don't know what you mean," what union he means; so I asked him what kind of a union there is.

He says in order to get the Communists out we have got to get 51 per cent of the men to sign up. Then I wanted to find out for what kind union; he says inside union, so I wanted get more explanation. I says, "I don't know what that means, inside union."

He says, "To get the outside union out."

So I don't know what that means again. I said, "Outside union, what is that?"

He says, "That is the C. I. O."

I says, "Do you want me go away from the C. I. O.?"

I says, "On the inside union. What is the inside union?"

He says, "That is a company union."

I says, "I belong to C. I. O., I ain't going to join any other union."

Q. (By Mr. Wham.) What is the name of that man?

A. Big Louie, used to be a little straw foreman over there, straw boss.

Q. (By Mr. Reynolds.) What department?

A. Cleaning room, chipping department.

Q. Shipping department?

A. The chipping shed.

439 Q. The chipping shed?

A. Yes.

Q. At the time he was foreman in there?

A. Yes, he was foreman at that time.

Q. What did he say when you told him that you would stay with the C. I. O.?

A. I don't hear you right.

Q. What did he say when you told him that you would stay with the C. I. O.?

A. Well, he don't say nothing after I told him I would stay with the C. I. O.; and he just told me that they were

trying to get the C. I. O. out of there, they were trying to get the outside union out of here, that is all.

Q. Did anyone else ask you to join the Independent Union?

A. Yes, that was about a week later, because Louie didn't succeed a hell of a lot; out of eighty employees he got about ten; so later John Kovatch go around and he stopped everybody from their work and he asked them to join the Independent Union; and he didn't have any more justification, he had application cards, and he passed them out and the bylaws, to sign up the application. So most of the men turned him down; they didn't want to sign up for him. So he comes around to me and he stopped me from work and he asked me if I won't sign up for him, for

the Independent Union; and I asked a lot of questions, 440 I wanted to find out what the union is. He said it is a company union to get the C. I. O. out of here; explained it the same way as Big Louie; 51 per cent to get the outside union out. I asked him what benefits do I get from that union. He says, "What benefit would you get from the C. I. O.?" That was his answer.

I told him I wouldn't join because I knew what was the C. I. O. for, I didn't know what was the company union for. Then he goes away to other workers and stopped them from their work.

Q. Did anybody approach you after that at any time?

A. After that they didn't bother me at all.

Q. Did you see solicitation going on after that time?

A. Yes, I did.

Q. When?

A. They are carrying on day after day. Some of the men that work there a little longer, like the older men, that work there for several years, maybe ten or fifteen years, he don't get them the first time, and the next day he called them out and talked to them. I didn't watch them, of course; but I had to go for some material, material I had to use, and I saw him talking to Frank Kopocky for half an hour.

So the next day again I saw Kovatch talking to him again for a long time, and then I find out—a little later I saw Frank Kopocky had that union badge on his coat, and he says he joined because he is going to have a 441 steady job with the company; that is the way John Kovatch explained it.

Q. You mean Kovatch explained that to you?

A. He didn't tell me that, because I turned him down, because he didn't have a chance.

Q. (By Trial Examiner McCarthy.) He told that to Kopocky?

A. That was the explanation. He explained to me it was a company union and all that thing, but he didn't explain nothing else, but that is what Kopocky told me.

Q. (By Mr. Reynolds.) Did you see any solicitation going on for the C. I. O. in the plant?

A. Yes, I did, he was going on many days among the other workers.

Q. I am talking about C. I. O. now. Did you see any solicitation for the C. I. O.?

A. Not in the shop during working days.

Q. Did you ever see any in the shop?

A. No.

Q. You say you saw some solicitation for the Independent Union?

A. Yes, I did.

Q. Did you see anyone else participating in it?

A. Except Kovatch and Big Louie, Bill Sterling.

Q. What is his job?

A. He is supposed to be an inspector, inspecting castings at that time.

442 Q. Did you overhear him say anything to anybody?

A. He didn't say nothing to me, but I heard him state it to a lot of other fellows, to my partner—what is his name—Sam Daskus—they call him Sam. They explained that they wanted him to join the company union, and he figured he would have a steady job, but they laid him off anyway, they laid him off last fall. Then he was knocking the company union, that they got him into the company union, make him pay dues, and then throw him out just the same, so he was dissatisfied with them.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Ford.) What is this piece of paper you have been referring to?

Trial Examiner McCarthy: What was what?

The Witness: This paper was—this was a paper I wrote so I wouldn't have to look for the names.

Q. (By Mr. Ford.) You wrote these names down?

A. Yes, sir.

Q. When did you write those names down?

A. Today.

Trial Examiner McCarthy: The point is, we want to find out whether somebody previously wrote those names down for you.

A. No, this is my own writing, nobody asked me to 443 put them down. I just fixed that up so when I go on the stand I could remember the names.

Q. (By Mr. Ford.) Was there anybody else present when you wrote this down?

A. No.

Q. Who asked you to write these names down?

A. Nobody, I always have something to check up with like that when I am going to have something to say.

Q. Did you copy these down from some notations which you had previously made?

A. No, I have got them in another book.

Q. Pardon me?

A. I have the same thing in another book, had them for a long time.

Q. In other words, you had them in another book?

A. Yes.

Q. That is what I want to find out. What have you been carrying those names around for in that book for a long time, in another book?

A. Because some of these workers—we work together, so he comes once in a while to my house, maybe I go once in a while to his house.

Q. What have you been doing, planning this case for a long time?

A. Well, he had some parties, and he says, "Drop 444 over once in a while," and he told me his name and address.

Q. What do you mean, that you got together and put down all the things that you might think of that you might use against the company; is that the idea?

A. I didn't think anything like that.

Q. Why did you put them down to refer to?

A. Don't you have any addresses from anybody?

Q. Not where anybody can find them.

I don't see any addresses here.

A. I ain't got my addresses for my company, I got a lot of addresses for my friends which ain't working for this company. I have very few of them for the men that work by my company.

Q. I am just curious to find out how it happened that the fellows you were talking with happened to be the ones whose names were in your book.

A. Before I have heard that this is going on in this shop I had these addresses. I had that in this book because he invited me to his house.

Q. Do you have any other names?

A. Not outside of this book, because I used to go to see him sometimes.

Q. I mean, the names of the men in the shop. Do you have any other notations by their names?

A. No, sir.

445 Q. Would you mind producing that other book from which you copied these names? What kind of a book was that?

A. That is a little black book that I have (indicating).

Q. Would you mind producing that black book and letting me see it, from which you copied the names on the sheet you have been using?

A. I didn't have to copy these names, I know these names. The reason I had that, when he had a party one time he invited me to his party, his boy had a birthday, so I had to put these names down in order to find his home. Otherwise, I don't put it down. I know a lot of workers that work there by name, I don't have to put it down.

Q. (By Trial Examiner McCarthy.) Who had the birthday party?

A. The fellow that was working with me, Sam Daskus; his boy had some kind of a party.

Q. (By Mr. Ford.) Is Big Louie's last name Suchorich?

A. Not Louie, Sam Daskus had the party.

Q. Big Louie's name is Sucorish?

A. I have forgot his name, I ain't got his name down here.

Q. Didn't Big Louie work as an arc welder?

A. No, no.

Q. Oven tender?

A. He used to be a foreman on the heat treat furnace.

Q. Are you sure he was ever a foreman?

446 A. What?

Q. Are you sure he was ever a foreman?

A. Of course, he used to give the fellows orders what to do.

Q. Was he an oven tender?

A. He used to go around and watch their work, check up on their work.

Q. You are sure he was a foreman?

A. He was a kind of assistant foreman.

Q. Are you sure he was an assistant foreman?

A. I had to listen to what he told me.

Q. (By Trial Examiner McCarthy.) He told you what to do?

A. Yes, sir.

Q. (By Mr. Ford.) Was he your boss?

A. Yes, he was.

Q. What did he tell you?

A. Any work that he said to do, he comes around and says do this one or do that one first.

Q. How many men did he have under him?

A. It was around forty men or thirty-five.

Q. And he was their boss?

A. Not the first boss, the first boss was Bill Peters; the second boss was McKinley, or McKinney, something like that, and the third boss was Bill Morely.

Q. Did Peters, McKianey or Morely ever try to 447 join you up in the union?

A. No.

Q. Did either of those three men ever try to talk to you about the union?

A. No, sir.

Q. So the only persons who solicited you were John Kovatch and Big Louie?

A. That is it.

Mr. Ford: That is all.

Mr. Reynolds: That is all.

Mr. Ford: I would like to strike the testimony relating to the activities of John Kovatch on the same ground that I moved to strike the testimony of the preceding witnesses, not related to the management.

Trial Examiner McCarthy: Overruled.

Cross-Examination.

Q. (By Mr. Wham.) You say that Kovatch and Big Louie told you and others that they were signing up for the inside union to get bigger wages and to keep—that they would keep their jobs longer than with the outside union?

A. No, they didn't tell me that, that they would get bigger wages from the inside union, they didn't tell me

that. I just asked him what I would get from the union that I didn't get from my C. I. O. I told him if we would get organized through the C. I. O. all over the country, 448 we will get bigger wages, but not from the company union, that is the way I told them.

Q. What did they tell you they could do for you?

A. They told me the C. I. O. wouldn't give me nothing. He says, "The C. I. O. don't give you nothing."

Q. Did they say that they would insure your job, that you would keep your job longer if you belonged to the inside union?

A. They didn't tell me that.

Q. Did they tell anybody that?

A. They told to quite a few fellows; one German fellow—his name is Andrew, I don't know his second name, he is a chipper out there; they told Protat, they told Steve Krocek, that they are going to have steady jobs because they work there a little longer.

Q. Are they still working there?

A. They are still working there.

Q. They were working there before you got through, is that right?

A. They worked there for many years, they worked there fifteen or twenty years, something like that.

Q. Sam Duskus still works there?

A. He got laid off. He worked there just about as long as I worked for Link Belt, and he got laid off last year.

Q. He belonged to the Independent, didn't he?

449 A. Well, I don't think he belongs any more to the Independent, because he got sore over the Independent; that they promised him a job and they laid him off then.

Q. So it really didn't do him much good with the company to join the Independent Union?

A. No.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Trial Examiner McCarthy: We will adjourn until nine-thirty tomorrow morning.

(Whereupon, at 5:00 o'clock p. m., Tuesday, March 15, 1938, the hearing was adjourned to 9:30 o'clock a. m., Wednesday, March 16, 1938.)

450 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-303) • •

Room 777, United States Court House,
Chicago, Illinois,
Wednesday, March 16, 1938.

The above entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

Hugh C. McCarthy, Trial Examiner.

Appearances:

Stephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Mssrs. Pope & Ballard, by Henry E. Seyfarth and William F. Price, 120 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, 231 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Intervener, Independent Union of Craftsmen, Local Lodge No. 1.

451

PROCEEDINGS.

Trial Examiner McCarthy: You may proceed.

ALEX KACHKA, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address, please.

A. Alex Kachka; 1215 North Leavitt Street.

Q. Are you employed at the Link Belt Company?

A. Yes, I am.

Q. How long have you worked there?

A. Nine years.

Q. And what is your occupation there, Mr. Kachka?

A. Acetylene and electric welder.

362 *Witness for National Labor Relations Board.*

Q. And you have been on that work continuously?

A. Right along.

Q. Are you a member of the C. I. O.?

A. I am.

Q. When did you join, Mr. Kachka?

A. 1936, middle of September.

Q. And have you attended union meetings?

A. Yes, I am.

Q. You have been active in the work of the C. I. O.?

A. Yes, I am.

452 Q. Do you recall whether another labor organization appeared at the Link Belt Company?

A. No, I don't know what you mean by that.

Q. Is there any other union existing out there?

A. There is an Independent Union.

Q. And do you remember when the Independent Union came in?

A. I think it was in April or May, 1937.

Q. Now did you join the Independent Union?

A. No.

Q. Did anyone ask you to join it?

A. Yes, a fellow by the name of Edward Jamieson.

Q. And do you recall when he asked you to join?

A. I told him no.

Trial Examiner McCarthy: Do you know when? When did this occur?

A. Well, this was in May or April; April 1937.

Q. (By Mr. Reynolds.) And do you recall where he asked you?

A. I don't know what you mean by that.

Q. Where was he at the time he asked you that?

A. Oh, I was in the washroom that time.

Q. During working hours?

A. During working hours, yes.

Q. What did Mr. Jamieson say?

A. Well, he told me to join that union.

453 Q. (By Trial Examiner McCarthy.) What else did he say?

A. Well, he just request me to join that union, that is all.

Q. Did he give you a card or have a sheet, or anything?

A. No, he just told me to join that union.

Q. Who is Mr. Jamieson?

A. He is a worker on the floor.

Q. (By Mr. Reynolds.) What did you say to him?

A. I told him I didn't want to join.

Q. And following that did anyone ask you to join?

A. No, nobody else.

Q. Did any foreman or supervisory official of the company ever mention the Independent Union to you?

A. No.

Q. Did any foreman or supervisory official ever say anything about the C. I. O. in your presence?

A. I was called to Mr. Berry's office.

Q. And what was the conversation?

A. Well, when I got into the office, Mr. Berry's office, he told me to sit down, and he asked me what I am trying to do on this plant. So my answer was to him, "What did I try to do?" So Mr. Berry went into his pocket and he pull out one of them C. I. O. application cards, and he says "Don't you know anything about this?" I told him

"Part of it, yes." Then Mr. Berry got kind of ex-
454 cited against me and he asked me "What you want me to do with you?" I told him "I don't know."

Then Mr. Berry says to me, he says, "You know what happened with Joseph Nowak and Louis Salmons." I says "Yes, you fired them." Then he says again to me "What do you want me to do with you?" I says "I don't know." So Mr. Berry was so excited, and he says "Well, all right, you go back to work and as soon as the business slows up you get out of here." So that is all I got talking to him.

Q. Now at the time Mr. Jamieson asked you to join the Independent, was that only on one occasion? Did he only ask you once?

A. Once, yes.

Q. How long did he talk with you?

O. Oh, for about five minutes, something like that.

Mr. Seyfarth: I object, Mr. Examiner, as immaterial, how long he talked with him.

Trial Examiner McCarthy: The witness may answer.

Mr. Seyfarth: I think I should be permitted to cross-examine him on the question how long he talked to him.

Trial Examiner McCarthy: You may.

Mr. Seyfarth: Yesterday I was forbidden to do that.

Trial Examiner McCarthy: Well it won't be cumulative or repetitious.

Mr. Seyfarth: Yesterday you said it was immaterial,
455 how long.

Trial Examiner McCarthy: The ruling today is that he may answer.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Kachka, are you still working for Link Belt Company?

A. Not for the last four weeks. They told me I have got to stay home till I get called to go to work because they have got nothing to do.

Q. Up until four weeks ago you were employed?

A. This is the fourth week I am home now.

Q. I say, prior to four weeks ago you were working for the Link Belt Company?

A. Yes, right along.

Q. How often were you working?

A. How often I am working?

Q. How many days a week?

A. Five days a week.

Q. Had things quieted down prior to four weeks ago?

A. Well, the way it is, they told me I have to stay home until I get called back to work.

Q. Do you know whether other men were laid off prior to four weeks ago?

Q. (By Trial Examiner McCarthy.) Before four weeks ago?

456 A. Oh, well, there is a lot of men laid off.

Q. (By Mr. Seyfarth.) You weren't laid off though, were you?

A. No, I wasn't.

Q. Was anybody present in Mr. Berry's office when you had the conversation with him?

A. No.

Q. Just the two of you alone?

A. Me and Mr. Berry, yes.

Q. Did Mr. Berry say anything to you about union activities on plant property and company time?

A. No, he didn't say anything.

Q. What did he say?

A. He don't say anything.

Q. He said something when he showed you the C. I. O. card, didn't he?

A. That is what he said, what I am trying to do in this plant.

Q. (By Trial Examiner McCarthy.) What did he mean by that? What did you understand that he meant by that?

A. I don't know what he means. He just told me what I try to do in this plant.

Q. (By Mr. Seyfarth.) He mentioned the words "in this plant," didn't he?

A. Yes, and I said "What did I do?", and he said—
457 he pull out the card, one of them C. I. O. application
cards. I don't know who give it to him. And he says
"Don't you know anything about this card?" I says
"Yes."

Q. (By Trial Examiner McCarthy.) What was it, your
cards?

A. No, it wasn't mine.

Q. Just a blank card, blank C. I. O. application card?

A. Yes. So I says "I know part of it. Louis Salmons
spread this, but when he spread it, I don't know.

Q. (By Mr. Seyfarth.) In other words, you told him
you weren't distributing cards on plant property or com-
pany time, did you?

A. No, I didn't.

Q. You didn't say anything about that?

A. No.

Q. What was the first thing Mr. Berry said when you
came into his office?

A. Mr. Berry told me to sit down.

Q. What did you do?

A. Well, I did sit down and that is what he asked me.
He asked me what I am trying to do in this plant. My
answer was "What did I try to do?" And he said—he
pull out the card and he said "Do you know anything about
this card?" I told him part of it, yes.

Q. Was it your understanding that Mr. Berry had called
you in there for union activity in the plant?

458 A. Well, not exactly. I don't know what he called
me for.

Q. After you talked to him you knew what he called
you for, didn't you?

A. Well of course he told me that—"well, you know,
Joe Nowak got fired and Louis Salmons," and I under-
stood for union.

Q. Then you caught on, did you?

A. What do you mean?

Q. (By Trial Examiner McCarthy.) You understood?

Q. (By Mr. Seyfarth.) You understood then what he
called you in for?

A. Well, after I talked to him, yes.

Q. And after he mentioned the names of Salmons and
Nowak—

A. Yes.

Q. —he showed you a C. I. O. card?

A. Yes.

Q. Then what did Mr. Berry say?

A. Well, Mr. Berry got kind of excited against me and he says "You been working here so long, and we don't want cross people over here in this plant," and that is all.

Q. (By Trial Examiner McCarthy.) What did he mean by that?

A. I don't know. I don't what what he means by this. So he got kind of neryous and got up and walk around, then he says, "All right, you go back to work and as soon as business slows up you get out of here."

459 Q. Why didn't he fire you right then?

A. I don't know.

Q. (By Mr. Seyfarth.) When was this conversation you had with Mr. Berry?

A. That was the day—the next morning after Louis Salmons and Joe Nowak was fired, the next morning.

Q. Do you know what date that was, Mr. Kachka?

A. I think that was 22nd of September, or something like that, or 23rd; I don't know exactly.

Q. What year?

A. 1936.

Q. You continued to work there from September 22nd, 1936 until approximately the 15th of February, 1938, without any interruption in employment, is that right?

A. What do you mean "without any interruption"?

Q. (By Trial Examiner McCarthy.) You worked there steady all that time?

A. Yes.

Q. (By Mr. Seyfarth.) You worked there steady all that time?

A. Yes.

Q. Nobody else ever said anything to you about union activities after that, did they?

A. What do you mean, nobody else? I don't know what you mean.

460 Q. Any of the supervisory force; any of the bosses in the place there?

A. No.

Q. As a matter of fact, did you solicit membership for the C. I. O. after your conversation with Mr. Berry?

A. Yes, I do.

Q. Where did you solicit it at?

A. Outside.

Q. Not inside the plant property?

A. Not inside the plant.

Q. And not on company time?

A. Not on company time.

Q. What was the date you had the conversation with Jamieson in the washroom?

A. I don't remember.

Q. Was anybody else present?

A. No, only me and him.

Q. Do you know what Jamieson's job was in the plant?

A. Well, he was—he is assembling the crane stuff on the floor.

Q. He is not a foreman, is he?

A. No, he is only working.

Mr. Seyfarth: That is all.

Q. (By Mr. Wham.) How long did you say Jamieson talked to you in the washroom?

461 A. In the washroom, yes.

Q. How long?

A. About five minutes.

Q. What did he say to you?

A. Well, he approached me to join that Independent Union.

Q. That took him five minutes to ask you that?

A. I didn't hear that.

Q. It took him five minutes to ask you to join the Independent Union, did it?

A. I still don't get you.

Mr. Wham: Read it.

(Question read.)

A. Yes.

Q. (By Mr. Wham.) Well, what did he say to you?

A. Well, that is all he was asking and I told him I don't want to join, that is all.

Q. That would take about half a minute, wouldn't it?

A. Well, of course it takes him five minutes when we talk about this union, that is all.

Q. He said the same thing over and over again, is that right?

A. Yes.

Q. Where did you join the C. I. O.?

A. About the middle of September, 1936.

Q. Whereabouts?

462 A. Whereabouts? Outside on 39th Street and Wentworth, in a restaurant.

Q. Out on the street corner some place?

A. Yes.

Trial Examiner McCarthy: He said in a restaurant.

A. In a restaurant on 39th.

Q. (By Mr. Wham.) Ever see anybody soliciting for C. I. O. in the plant?

A. Never did.

Q. What did you say your job is?

A. Acetylene and electric welder.

Mr. Wham: Will you read that? I didn't hear it.

(Answer read.)

Q. (By Mr. Wham.) Does that keep you pretty well confined? Are you in one spot?

A. All the time, yes.

Q. You don't move around?

A. Of course I move when the men call me to do the job for them, yes, but mostly I stay in the place.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: Just a moment.

Redirect Examination.

Q. (By Mr. Reynolds.) I want to ask you, you worked there nine years, have you, Mr. Kachka?

463 A. Nine years, going to be July 6th.

Q. And how many other employees out there do the same kind of work that you do, acetylene and electric welding?

A. Well, there is plenty and they try to use them in this outfit, you know, acetylene outfit especially.

Q. Are there any other electric welders besides you?

A. Not in that department.

Q. You are the only one in the department?

A. Yes. There was another one, but—

Trial Examiner McCarthy: What department is that?

A. That is D-K department, assembling cranes.

Q. (By Mr. Reynolds.) Does it require considerable experience to be an electric welder?

A. Well, there is, yes.

Q. No one else in your department ever does any of that work except you?

A. Except me, yes. Of course somebody trying to do it, but when it comes to the real job I have to do it.

Mr. Reynolds: That is all.

Mr. Seyfarth: Just a minute.

Q. (By Mr. Seyfarth.) What product do you make in your division?

A. What do you mean by "product"?

Q. What do you make where you work?

A. What do I make?

464 Trial Examiner McCarthy: D-K.

A. What I making?

Q. (By Mr. Seyfarth.) Yes, what do you weld?

A. All kinds of parts have to be welded, and especially I build the houses for the crane.

Q. Houses for the crane?

A. Weld the houses for the crane, yes.

Q. Does that mean you put various pieces of metal together and weld them?

A. Yes, sir.

Q. What else do you do?

A. Well, acetylene welding too. There is different work.

Q. You got some helpers there in that department?

A. For myself?

Q. Yes.

A. No.

Q. Any other men in the department that do electric welding?

A. Well, the other departments—you mean in other departments or mine?

Q. In your department.

A. In my department, no.

Q. (By Trial Examiner McCarthy.) You are the only welder there?

A. I am the only welder there in that department.

465 Q. (By Mr. Seyfarth.) Do you know how many other welders there are that work for the Link Belt Company in this plant?

A. Oh, there is plenty other welders in the different departments.

Q. You don't know whether they are good welders or bad welders, do you?

A. Well, there is a lot of good welders, just as good as I am, because I use to be during the depression in 1932 and 1933, I was the one; I was all around the plant.

Q. You were all around the plant?

A. Yes, sir.

Q. And when you were all around the plant I suppose there were other welders that came into the department where you are now located, weren't there, at that time?

A. What do you mean?

Q. I mean while you were over in the other parts of the plant?

A. Yes.

370 *Witness for National Labor Relations Board.*

Q. There were other electric welders that came into the place where you are now employed?

A. Well, when I have been called to the different departments, I have been called to do acetylene welding and electric welding. That is what I have been called for.

Q. How long would you leave your regular job at 466 those times?

A. What do you mean?

Q. (By Trial Examiner McCarthy.) When you would leave department D-K would some other man come into D-K department and take your place?

A. No, not that I knew of. Sometimes I have been in another department, one hour, two hours, then I will be back to my job again in my regular department.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

Mr. Seyfarth: I would like to move, if the Examiner please, that the testimony be stricken, first, because the testimony relating to Jamieson is not connected up with the company, and secondly, that the testimony concerning the conversation with Mr. Berry appears thoroughly justified.

Trial Examiner McCarthy: Appears thoroughly what?

Mr. Seyfarth: Appears thoroughly justified.

Trial Examiner McCarthy: Overruled. Call your next witness.

NELS CARL SORENSEN, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

467 Q. (By Mr. Reynolds.) State your name and address, please.

A. Nels Carl Sorensen; 6407 Blackstone Avenue.

Q. Were you formerly employed at the Link Belt Company, Pershing Road plant, Mr. Sorensen?

A. Yes, sir.

Q. What was the last day on which you worked for the company?

A. It was the first of October, 1936.

Q. (By Trial Examiner McCarthy.) 1936?

A. Yes, sir.

Q. (By Mr. Reynolds.) Prior to that time how long had you worked for the company?

A. Since 1927.

Q. 1927?

A. Yes, sir.

Q. And what was your job there, Mr. Sorensen, at the time that you left?

A. When I got fired?

Q. Yes.

A. I was a janitor.

Q. (By Trial Examiner McCarthy.) You were what?

A. A janitor.

Q. A janitor?

A. Yes, your Honor.

Q. (By Mr. Reynolds.) And what part of the 468 plant did you do your work in?

A. I was all around the plant.

Q. All around the plant?

A. I go over all the lights, cleaning them, clean lamps, and all that.

Q. And did you ever do any work in the offices, any of the offices of the company?

A. Yes, sir, I clean all the lights there.

Q. Now you are a member of the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. I did that in September.

Q. Of what year?

A. 1936.

Q. Who asked you to join?

A. Louis Salmons.

Q. And were you active in the C. I. O. work?

A. No.

Q. Did you attend any meetings of the C. I. O.?

A. Yes, sir, I did.

Q. Do you still attend meetings?

A. Yes, sir.

Q. Now on October 1st, 1936, state what occurred on that day, as well as you remember?

A. Well, that morning I started at eight o'clock, 469 as I usually do every day. I never lay a day off, I never did, unless I have to go somewhere, as have to go today, something like that. But at eight o'clock in the morning I come in and do all my cleaning in the wash-room, clean all the bowls, and I do that every morning; and I clean the floors off in the morning, and if I get

through with that—at that time I was cleaning lamps or lights in the main office across the street. So I went over there about nine o'clock or a quarter after; it depends when I get through. That could be, I will say, Monday—I wouldn't go on a Monday if I could help it because I have other jobs to do along the place, so I go out in the plant and grease the sand conveyor, and I have a coal conveyor in the boiler room to grease, and I have the electric truck to grease, and I have a rubbish conveyor to grease. So these jobs I have to take some day during the week. It is up to me to determine what day I can take them. If it is a dark day I will take other jobs that I can shut them lights off, and it is up to me to see when I get a chance to clean the lamps.

Now I did a pretty good job there, if I say it myself, because I have been around it, and after I got fired I don't think they done so good on it, because they have to get other guys to do the work.

I always kept out of the fellows' way that sit at the desks—

470 Q. Well to get back to what happened on October first, did anyone come up to you after you were working on that day?

A. I remember Mr. Berry came down the steps—

Q. (By Trial Examiner McCarthy.) You were working in the main office when this occurred?

A. Yes.

Q. You were starting from there?

A. Starting from there.

Q. You were working in the main office?

A. Yes.

Q. Describe just what you were doing.

A. I was cleaning a light on the first floor on the back stairway. Mr. Berry came down the steps and he said "You got a good red ladder there," and I said "Yes." He said "You won't be on that ladder long," and he kept on walking into the office, and I didn't know what he meant by that, because I didn't go back after him and ask him what he meant. I thought maybe I was in the way, and I don't want to disturb anybody on the job. I thought I was in the way, and I took my ladder and go on the third floor. So I went over to the shop and I told Joe, I said "I have to leave and grease the conveyor." Then I went back to the shop and I told Joe Forss—

Q. (By Trial Examiner McCarthy.) Who is Joe Forss?

A. My foreman; has been since I have been with 471 the Link Belt Company, since 1927. And I said "Joe, I couldn't clean there, I will leave that go today and I will go and grease the sand mixer." That is what I went back there for. I went into the office. He has a little office up in the tool room. I went in there and I said, "I have to go out—" can I go out in the foundry and grease the sand mixer? I can't do nothing in the office right now." He said "No, I think not." I said "Have you got something else for me to do, Joe?" He said "No." He didn't come out with it right away. Then he says "You are fired." "What is the matter now?" I said, "Is there something wrong?" "If I done something, if I break anything, or is it because I have been in the way? You sent me over there, and you told me to do it and I obeyed your order." He said "No, that ain't it." "What is it then? Any of the boys around here, have I bothered any of them?" He said "No." I said "I haven't asked many favors of you, Joe, but would you mind telling me what the reason is that I am getting out?" He said "Yes, it is Louie's fault."

Q. (By Trial Examiner McCarthy.) Louie who?

A. Louie Salmons. I said "Well, who do you mean, Louie Salmons?" "Well, you have been helping Louie Salmons." I said "Yes, I have; you sent me out to help him. He is an electrician and I have to go around to anybody. If you send me to help a machinist, I have 472 to go and help him; I always do that."

But he said "No, it isn't that, it is the union; you are helping Louie Salmons to organize, organize this plant."

I said "No, Joe, I ain't; I ain't organizing anybody. Well if you must know the truth," I said, "I signed up, but that is all I have done; I haven't done anything else."

So I said "What will happen now? I ain't done anything wrong that I know of."

Q. (By Mr. Reynolds.) Speak louder.

A. I said "How about going to see Mr. Berry?", I said. He said "There is no use seeing Mr. Berry because he is mad." "Maybe so, but don't you think that I be kind of mad like this? I don't know where I am at and what it is all about."

"Well, I can't do nothing for you," he says, "I done everything I could for you, and you have to leave the plant at eleven o'clock sharp."

I said "What is the sharp for? I ain't going to hurt

anybody, or anything like that. I at least got to get my clothes together so I can get out. Give me that much of a chance."

Well, there was nothing I could do but go home, so I said "All right, Joe, I will say that much, I like to work for you, and I don't whatever you told me to. I will say goodbye to you, there is nothing else I can do. I 473 would like to see Mr. Berry."

I went home; that is, I went home with my stuff—I didn't go home with my stuff. My brother took that home in his car. He has a car and he left it out there and he brought it up to my house. Well I talked to Jens about it—

Q. (By Trial Examiner McCarthy.) Who is Jens?

A. My brother; he is still working there. He says "I wouldn't pay too much attention to that." I said I didn't know. I said "What do I know about it? I did it in good faith, and all that." Louie said "Come on up to the house." We got to our place and we did pick him up in the morning.

Q. (By Trial Examiner McCarthy.) What house?

A. Louis Salmons' house. So we picked him up, and he said "All right, if you want to join the union." I said, "Sure, I will sign up," but my brother said he would think it over first. I told Louie, I said, "Now, listen, can I get fired for signing up with a thing like that?" "I don't know nothing about it."

"No," he said, "they can't fire you for that if you haven't done anything." I said "I don't know. You say it is good for me. All right. I have known you for years; I know I can trust you, I know that."

Q. (By Trial Examiner McCarthy.) This was to Salmons?

A. I told him that, yes, and we could. We have known him for years. He is honest all the way through, so 474 far as he is talking. He is talking, and that is all honest so far as I could see. So at that time I don't know it could be wrong, because I have been working for the man over a year or more than that, and I don't know—

Q. (By Mr. Reynolds.) Well, we will assume he is honest. Go ahead and tell what you did after that.

A. Well I went home and I stayed home a few months and Louie called me up one night to come over to the house. I said "What is it all about?" "Well, you have to go to the Labor Board." "What is the Labor Board?"

He said "We are going to give you your job back." I said "I will go down there."

And I went down to see Mr. Disser on the Labor Board. I went down there to see him, and he said "There is something wrong there; I don't understand that myself." Mr. Disser said "I put Louis Salmons back to work." I said "That is all right; if he hasn't done anything he should have it back."

So he wanted my statement, and how it happened, and all that, and I told Mr. Disser all about it, and I was honest about it and I told him the truth. He said "I will tell you what I will do for you: I will see that you see Mr. Berry."

"And that," I said, "is what I have been trying to do for several months and never had a chance to go 475 down on my own accord; it won't do me any good, I know that."

He said "You just go down there," and he gave me a card, "and tell him I sent you."

I said "All right, I do that." And I went down, but Mr. Berry wasn't in. I had to go to the employment manager to get any information, and I didn't get anything from him. He wanted to know everything. He said "What you going to do?" I said "It isn't any of your business; I want to see Mr. Berry and it is private."

"Oh, it is private?" "Yes, it is." He said "Mr. Berry isn't here." I said "Why didn't you say that in the first place?" Well I didn't say anything I am sorry for. So I didn't see Mr. Berry. So I went home and I called up Mr. Disser and told him I couldn't see Mr. Berry that day. He said "Wait a week." I said "All right, I have been waiting so long now, I would like to know what it is all about, where I am standing. I don't know nothing about it, and I don't know what it is all about. I would like to know."

That is what I told him. He said "You will have to wait." All right. I went home to my wife. I got nowhere. I couldn't get a job, get anywhere. I spent ten dollars to get a job and I couldn't get anything. They would say "Have you got reference?" "No, I ain't got no reference," and they wouldn't give me any.

476 "Well, can't you put on a fib? You don't have to sit there and tell the honest truth about it; put something down where you worked." That is an easy thing to say. I wouldn't like to tell the guy I work for

"Well, I do this and I do that," because you don't. The man I work for has got to know something about me anyway. I start to work there and then later on he comes around and says "You lied to me"—

Trial Examiner McCarthy: Let's stick to what happened at the plant.

A. So I come back. I think it was Friday; it must have been a Friday. I can't say for sure. And I saw Mr. Berry that day.

Q. (By Trial Examiner McCarthy.) You say you saw Mr. Berry?

A. Yes, sir, I did. Or it was Wednesday. I don't know. So I saw him and I told him Mr. Disser sent me down. Mr. Disser told me "You go and tell him you would like to get your job back." I said "Who wouldn't?"

Q. (By Mr. Reynolds.) All right. Now what happened when you went in to see Mr. Berry?

A. Well, Mr. Berry, he says "What did you get fired for?" "What did I get fired for? Well, you are the one that got me out. That is what Joe told me and I want to see you about it." "I don't give a damn."

477 I said "All right, there is no use getting hot about it; I am just telling you the truth. If you can't stand to hear the truth there is nothing I can do. I am just telling you the honest truth about it."

I said "You accused me something I never done. If I done it I would admit it and I wouldn't come down here and talk to you about it, not at all, I wouldn't do that, but the way I got fired—"

Q. (By Trial Examiner McCarthy.) What did he say?

A. He said "I don't know," he says "what you got fired for. I can't help what my foreman does."

"You don't know what kind of work I am doing, I know that." He said "Well, don't you think a man should get fired for not doing his work, if he don't do his work," or something like that I think he said.

I said "Yes, he should, I will admit that all right, a man should be fired if he don't do his work, but I did do my work always."

"I don't know about that."

"You don't know what work I do. Why don't you ask Joe? He knows."

Q. Then what did Mr. Berry say?

A. I don't like to say it.

Q. That is all right. Go ahead.

A. So he was kind of upset about it. I said "All right, Mr. Berry, I would like to know what it is all about, why you fired me, and that is all I want to know." I couldn't find out who the men were, and I wanted to know what that man had against me.

Q. What did Berry say?

A. He said yes. I said "All right, that is all I want to know; I want to know the truth about it."

Q. He didn't say anything then, did he?

A. He said yes.

Q. What did he mean by that?

A. He meant yes, that he did fire me. He said yes. He turned around on the desk and he mentioned something. I said "That is all I want to know, Mr. Berry." Maybe he said something else, but that is the way I understood it. That is what I understood. That is why I came out and said "That is all I want to know; you really were the man and I couldn't prove it at the present time."

Q. Was there anything else?

A. Yes, your Honor. He sent me home that day.

Q. Berry did?

A. The first day I went down there, and this happened the week after. He said "I will find out." I asked him if he would find out what it is all about. He said "There are two men." I said "Who are these two men? I would like to see them." He said "They aren't here right now." All I can do is come back a week later.

Q. What did he mean by that.

A. I don't know what he meant by that. He said he had two men, I never saw the two men.

Q. Then what happened?

A. So he sent me home. He said "Come back a week later." I came back a week later.

Q. When you came back a week later, then what happened?

A. Then I told him all this here.

Q. You have already told us that.

A. Yes, your Honor, I told that. But the last I said to Mr. Berry when I went out, I said "Well, I have nothing to do with it. I belong to the union." Of course I did sign up of my own free will.

Q. Berry didn't say anything about unions, did he?

A. Yes, he did.

Q. What did he say?

A. He said "You belong—" no, he didn't either. Ex-

cuse me. I don't think he mentioned that at all, I don't think he did, no, I don't think so.

Q. (By Mr. Reynolds.) But you said something about the union?

A. I said about the union, yes, I did. I told him about it. I think I said that—I said something like—I don't remember; it is so long since, you know. I don't
480 want to accuse the man of something that isn't so. I got kind of sore. I couldn't get nowhere. I couldn't get—

Q. (By Trial Examiner McCarthy.) After he said "Yes" you went out?

A. Yes, I went out. I came back again and I said "All right, Mr. Berry, I will prove to you some day that I haven't organized anybody in your plant, I haven't organized anyone in here.

Q. Well how did that come up, just out of a clear sky?

A. That is what he accused me of when I got fired. That is what Joe had told me that he was the man, and I want to find out for myself, you know, if it was really so. That is why I went back and had a talk with him. He gave so many excuses; he wouldn't come out with the truth about it. I don't know if he come out that way with it—

Q. (By Mr. Reynolds.) Don't go any further into that. Did you ever come back to talk to Mr. Berry at any time later after that?

A. After them two times?

Q. Yes.

A. I seen Mr. Berry two times—no, I didn't see Mr. Berry any more. It wouldn't do me any good because he won't reason with me.

Q. Now you say you sometimes washed the lights in the various offices of the plant?

481 A. Yes, I did. Every lamp in the office I cleaned I cleaned every one of them.

Trial Examiner McCarthy: You can answer yes or no.

Q. (By Mr. Reynolds.) Did you ever wash the lights in Mr. Stanley Staskey's office?

A. Yes, sir.

Q. Do you know a man that works out at the Link Belt Company named James Coslin?

A. Yes, I do, I know him, because he signed up at the third meeting I was at. I am not sure about that, whether it was the first or the third.

Q. (By Trial Examiner McCarthy.) What meeting?

A. The union meeting.

Q. The C. I. O.?

A. C. I. O. meeting on 47th Street. I went down there. There wasn't very many there—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Reynolds.) Just answer the questions that I ask you. Do you know where Mr. Coslin works there in the plant? What part of the plant he works in?

A. Well, he used to work in the machine shop. I don't know. They had a machine at the time I was there and he worked on that most of the time I was there. I cleaned the lights over there too.

Q. Did you ever see him in the other part of the 482 plant besides the machine shop?

A. Oh yes, I see that man all around, all over. Joe told me not to run around unless we have an errand to go somewhere.

Q. Did you ever see him in the offices of the company?

A. Oh yes, I have seen him talk with Stanley quite a few times.

Q. Stanley Staskey?

A. Yes, sir.

Q. He is the employment manager?

A. Yes.

Q. Do you recall any particular day on which you saw him talking to Stanley?

A. I don't remember the day. Before September I clean lamps for two years. I start in on the 4th of September and it takes me not more than one day for—it takes me five days, four days for each floor on the lights.

Q. Now did you see Mr. Coslin on any day you were cleaning lamps in Mr. Staskey's office?

A. Yes, I did. I did notice him come in one day. I didn't pay much attention to him. I see him in the morning. Stanley pointed him out to me. I looked down and I thought I was in the way. I was working there and I have to move my ladder out of the way. So I move my ladder out of the way, and he was walking in. Staskey came to this window, and I thought I was in the way. 483 and I was trying to move out. I was just about to go underneath—

Trial Examiner McCarthy: Keep your voice up so the reporter can get you.

A. I want to move out of the way, and he came back again.

Q. (By Trial Examiner McCarthy.) Who?

A. This here Jim Coslin.

Q. He came back from where?

A. He came back from the shop again.

Q. While you were in Stanley's office?

A. Yes. And over in Mr. Berry's office I have to take them two lights in there. So I went over there and came back again, and I thought it was funny that he was going back and forth with a paper in his hand, and I thought maybe he was passing out through there. It wasn't any of my business.

Q. Go on.

A. It wasn't any of my business what he doing or anything like that, but I got kind of—of course the day he signed up, that is how I came to think about it, and I told Louis Salmons, I said "What is funny, I don't know." But Louis Salmons told me there is so many fellows there against me I can't do anything. They come over here and they have another union down there. I didn't know anything about that union. They have another union 484 down there. I don't know anything about that. They tell me that it was against the law.

Q. (By Trial Examiner McCarthy.) You said Coslin came in and out of the office. And then what?

A. I was going to do that shop. I call it Wilson's shop. I usually go out and put my ladder up and start in there. So I was putting my ladder up and I got my bucket and I run into him again. I said "Well, what are you doing around here? What is the idea? You going to be the boss now?"

Q. Who did you say that to?

A. I told Jim that when he came from the shop.

Q. Who do you mean?

A. Coslin.

Q. Then what happened?

A. I went out in the shop and cleaned them lights.

Q. (By Mr. Reynolds.) Did he answer you when you said that to him. Did Coslin answer you?

A. Oh yes. He put his head back and he said "Oh yes."

Mr. Seyfarth: Will the witness keep his voice up?

Trial Examiner McCarthy: Keep your voice up.

A. It wasn't any of my business what they do.

Mr. Reynolds: Don't volunteer any information. Just answer the question.

Trial Examiner McCarthy: Just answer what the at-

torney asks you yes or no, because it is immaterial
485 what you think.

The Witness: All right, your Honor.

Q. (By Mr. Reynolds.) At the time you were discharged, Mr. Sorensen, how much money were you earning at the Link Belt?

A. Well, I can't say that a week, you know, because I made \$23 a week overtime when I have to work overtime on the third floor, because the blue print department is there, and I couldn't do anything during the day. I told Joe I have to do that on Saturdays.

Q. How much did you make the average week?

A. \$18.

Q. And if you made overtime you made more?

A. Yes, sir, I did. I worked overtime a good part of the time.

Q. After you were discharged did you find another job?

A. No, sir, I didn't. That is why I asked Mr. Berry about—

Trial Examiner McCarthy: Just answer yes or no.

A. No, I didn't.

Q. (By Mr. Reynolds.) At any time since that time have you worked at another job?

A. Yes, I have.

Q. What was the first job that you worked on?

A. Over here on State Street in a silversmith shop.
486 I worked there two weeks. I couldn't really do the work. I wasn't good at it. And I asked the foreman, I said, "Well, what is the trouble here? I am not so good, I know that." He said "Well, I can't carry you if I pay you 50 cents an hour, and I don't go any lower than that." I said "Well, maybe I could do something else, cleaning or something."

Q. (By Trial Examiner McCarthy.) All right. You worked there two weeks?

A. Yes, sir.

Q. (By Mr. Reynolds.) How much money did you make?

A. Well, I made \$31.50 in them two weeks.

Trial Examiner McCarthy: What is the name of this company?

Mr. Reynolds. Kayot Silversmiths.

A. A silversmith. At that time my daughter was at the County Hospital. She got sick, and that is what worried me. I don't know what I got out for. He wouldn't say what the reason was. He said "I just can't keep you."

Q. (By Mr. Reynolds.) And so you earned \$31.50 for two weeks?

A. Yes.

Q. What was the next job you had after that?

A. I didn't have no job. I didn't have a job. I couldn't get a job. I tried everything. I didn't have no reference.

Q. (By Trial Examiner McCarthy.) Did you earn 487 any other money?

Q. (By Mr. Reynolds.) Have you earned other money since then?

A. No, not since. Well today, yes, your Honor, I am working on W. P. A.

Q. (By Trial Examiner McCarthy.) Before you went on W. P. A.?

A. No.

Q. When did you go on W. P. A.?

A. I went on W. P. A. the 19th of January.

Q. Of this year 1938?

A. Yes, your Honor.

Q. Didn't you earn any money other than the \$31 from October 1st, 1936, up to January, when you went on W. P. A.? Did you receive any money at all?

A. No.

Q. How did you live?

A. I had to borrow money. My brother was working at the Link Belt and he made pretty good money down there.

Q. You live with your brother?

A. No, I don't.

Q. You borrowed money from him?

A. Yes.

Q. Didn't you earn any other money besides that \$31?

A. Not since the W. P. A.

488 Q. We are only interested in the amount of money you actually earned. Did you do any other work?

A. No, I haven't. My earnings from W. P. A., I marked it down, or my wife did. I have my earnings here, what they asked for—

Trial Examiner McCarthy: Don't talk now. Let the attorney ask some question.

Q. (By Mr. Reynolds.) Now on this memorandum it shows that you received \$88 from the W. P. A., is that right?

A. That must be. My wife marked it down. I just give her the check.

Q. That is how much you have made since January 19th, is that right?

A. I got the W. P. A. slip here somewhere.

Trial Examiner McCarthy: We don't care about W. P. A.

A. I don't remember the date. The 19th and the 20th I started in.

Q. (By Mr. Reynolds.) Now outside of the \$88 you have received from the W. P. A. is the \$31.50 from the Kayot shop?

A. \$31.50 I made.

Q. That is the only amount you have earned since your discharge?

A. That is all I could make.

Mr. Reynolds: I think that is all.

Q. (By Mr. Reynolds.) Do you want to be reinstated to work at the Link Belt Company?

Q. (By Trial Examiner McCarthy.) Do you want your old job back?

A. Yes, if I can make a living and they will give me what I had before.

Trial Examiner McCarthy: All right, that is enough.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: When the attorney asks you questions just try to answer yes or no. He doesn't care what you think. He is trying to get the facts, so try to make your answers short yes, or no.

Cross-Examination.

Q. (By Mr. Seyfarth.) Your first name is Nels?

A. Yes, sir.

Q. When did you start working for the Link Belt Company, Nels?

A. In 1927.

Q. Do you know what month?

A. It is so long since. It was—

Trial Examiner McCarthy: Your records would be better than his anyway.

A. I will make sure about it. I don't want to say something—September 28, 1927. October 11th, 1930, I got laid off.

Q. (By Mr. Seyfarth.) What did you do right after you were hired by the Link Belt Company?

Q. (By Trial Examiner McCarthy.) What is the first job you did?

A. He put this down what I did at that time.

30 *Witness for National Labor Relations Board.*

Q. (By Mr. Seyfarth.) Who did that?

A. The employment manager, Stanley Staskey.

Q. What was your first job there, Nels?

A. Well, my first job was down in the tool room sharpening tools and machinist helper.

Q. How long did you sharpen tools and act as a machinist's helper?

A. I did that in 1930, but I came down to the tool room and I start in there.

Q. Just a minute. How long did you do that sort of work?

A. For two years.

Q. Did you do any other sort of work besides sharpening tools?

A. Oh yes. I was a plumber and steam fitter's helper for two years. I was there for a year. I came upstairs. It might have been a year. I can't say because I don't know the exact date. But I went up to the tool room. Joe Forss, he has charge of this—

Trial Examiner McCarthy: Wait a minute.

Q. (By Trial Examiner McCarthy.) You started in 1927?

A. Yes, your Honor.

491 Q. That year what did you do, what kind of work?

A. I was in the tool shop sharpening drills.

Q. That is 1928. Now we are in 1928. Then what did you do in 1928?

A. I went up in the tool room.

Q. What did you do?

A. I did plumbing and steam fitting there.

Q. And in 1929 what did you do?

A. The same thing.

Q. And in 1930 what did you do?

A. The same thing.

Q. In 1931?

A. I was out, laid off.

Q. In 1932?

A. I was laid off.

Q. 1933?

A. I came back.

Q. Up to 1936?

A. Yes.

Q. What did you do when you came back in 1933?

A. I got in as a janitor.

Q. Did you stay on that work through to 1936?

A. Yes, sir, to 1936.

Q. (By Mr. Seyfarth.) Did you earn more pay as a steam fitter's helper than you did as a janitor?

492 A. Yes, I did.

Q. So when you came back after the layoff you didn't receive as much money as you had prior to the layoff?

A. No. Now here—

Trial Examiner McCarthy: That is all right. He just wants the approximate—

A. I marked it down.

Q. (By Mr. Seyfarth.) Was it more or less after you came back as a janitor?

Q. (By Trial Examiner McCarthy.) You made less money when you came back?

A. When I came back, yes, I did.

Q. (By Mr. Seyfarth.) It was less money then?

A. Yes, it was. I made 45 cents at that time—

Q. That is all right. You have answered the question. How long had you been in this country when you got a job with the Link Belt Company, Nels?

Q. (By Trial Examiner McCarthy.) When did you come to this country?

A. 1927.

Q. You say you got a job there the same year?

A. No, I didn't. That is wrong too.

Q. (By Mr. Seyfarth.) Never mind looking at your records.

A. All right.

Q. Just tell us to the best of your recollection how long you had been in this country before you got a job with the Link Belt Company?

493 A. I must have been here over two months.

Q. About two months?

A. Yes, about two or three months. Three months, because I went out in Michigan.

Q. Did your brother get you a job with the Link Belt?

A. Yes, he did. He wanted me to go there—

Q. Just answer the question.

Trial Examiner McCarthy: We want yes or no just as near as you can fix it.

Q. (By Mr. Seyfarth.) You say you had spent about four or five days cleaning lamps on each floor of the building?

A. Yes, I did.

Q. How many floors are there in the building?

A. About four.

Q. So this lamp cleaning would take you about three weeks, would it?

A. Yes, it would—less than that.

Q. How long would it take?

A. Just about close to three weeks. There may be a day or so over.

Q. If you did the work quickly you could get through in just about three weeks?

A. I always do it quickly.

494 Q. You always did it quickly?

A. Yes, I do. I had to.

Q. How many times during the year would you make the rounds of cleaning the lamps, Nels?

A. Well, I do that sometimes once, sometimes twice.

Q. Sometimes once a year and sometimes twice a year?

A. Yes. In 1935 I think it was two times, because I started in—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) What would you do in the meantime when you weren't cleaning lamps?

A. Well, I go back. I started out at eight o'clock in the morning and I start in on the lamps about nine-fifteen or nine-thirty.

Q. When you were cleaning lamps you would start in cleaning them at nine-fifteen?

A. I have to go back and clean the planning room, sweep the floor in there and wash it and I have to clean out waste baskets and everything, you know. I have to do that after three-thirty, and it takes me an hour to get around these fellows in there. I have to keep out of their way because they are in a hurry.—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Now besides cleaning the lamps twice a year and cleaning up the planning room you
495 also cleaned up the wash room, did you?

A. Yes, and the tool room.

Q. And the tool room?

A. Yes.

Q. That, in substance, was your job, was it?

A. Yes, and sometimes they asked me to give them a hand.

Q. So in order to keep them from going out and doing another job you would keep busy cleaning the planning room?

A. I was always busy. If they thought you didn't have enough to do they give you a job some place else. I even asked Joe, "Have you got anything else for me to do?"

When I first told him he said "Well, I could give you something else; you go out and do some other job; I will give you the electric trucks to grease."

Q. What?

A. The electric truck.

Q. You would grease the electric truck?

A. Yes, I do.

Q. In other words, they would give you odd jobs to do when you didn't have enough to do at your regular job?

A. Yes.

Q. And they would give you those odd jobs when they thought you didn't have enough to do?

A. If he didn't then I asked him for it. If I got through early and I had an hour for myself I could let the broom 496 fall on the floor and kill the time, but I felt like earning my money.

Q. You wanted to keep the broom going?

A. Yes, you are better off when you do.

Q. That is enough. How often did you grease the rubbish conveyor?

A. Once a week, sometimes once a week.

Q. Once a week?

A. Yes. They could go—if Joe Forss come to me to go out there I could go—I start on it Monday and he would send me somewhere else—

Q. That is all right. You have answered the question. Who is your boss, Nels?

A. When I got fired?

Q. Yes.

A. Joe Forss.

Q. Joe Forss?

A. Yes, sir.

Q. Was he your boss all the time you were there?

A. No. I remember now, I made a mistake a while ago. I remember now when I first start down there Pat Morene, something like that, he was my first foreman.

Q. Do you know how to spell that?

A. Morene, Pat Morene was my first foreman, then Joe Forss. I came up to Joe Forss' department.

497 Q. Did Joe Forss ever complain to you about talking at long intervals with other employees?

A. Yes, he told me that one time. I was on the ladder and he says "Don't bother these fellows any more than you have to." I said "You know me, Joe, I don't want to bother them."

Q. How many times did he ask you not to do that, Nels?

A. He don't ask me that more than once. I think only

one time he talked to me about it, that I should keep out of those fellows' way.

Trial Examiner McCarthy: Keep your voice up.

A. I did talk to one guy. I said—he sent me out to the machine shop—

Trial Examiner McCarthy: You can answer once or twice or three times.

Q. (By Trial Examiner McCarthy.) How many times did he ask you?

A. He only asked me one time about that.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) After that did you stop talking to other employees?

A. Not unless I was told to do it, no. If he told me to do it, yes. If I have to give them a hand I have to do it. If he told me to get a hammer or a wrench I had to answer.

Q. You had to talk to him then?

498 A. Yes.

Q. You had to ask them?

A. Yes. And they give me a dirty answer every time. Call you names, too.

Q. Who was that?

A. All of them.

Q. All of those employees around there?

A. Not all of them. There would be one or two I could go and ask them for anything; go out and give them a hand. If I go out and give them a hand then they come up and call me all kinds of names and all that.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) You didn't get along so well then with the other employees?

A. Oh yes I got along pretty well with all of them. There ain't nobody down there that talked to me in a—

Trial Examiner McCarthy: You just answer yes or no.

A. I got along pretty good.

Q. (By Mr. Seyfarth.) You think you got along pretty good?

A. I know I did. I didn't have any trouble with any of them.

Trial Examiner McCarthy: Just say yes or no.

Q. (By Mr. Seyfarth.) Even though at times you had arguments with the men, is that right?

499 A. Oh yes, we have arguments all right when I am on the job.

Trial Examiner McCarthy: Keep your voice up.

A. They could pick up an argument all right quick too. The best thing you could do is walk away and I always did.

Q. (By Mr. Seyfarth.) Nels, did you think that the men out there were picking on you?

A. No. Why should they pick on me? I am not doing them any harm.

Q. They were always having arguments with you?

A. They tried to get me mad.

Q. They tried to get you mad?

A. Oh yes, they do that all right.

Q. Would you argue back with them?

A. No, because I don't pay any attention to that kind of slang.

Q. (By Trial Examiner McCarthy.) Why did they try to get you mad?

A. I don't know what the reason is there. I never could understand it.

Q. (By Mr. Seyfarth.) Didn't you ever ask them, Nels?

A. Oh yes, I asked them sometimes; but they don't give you no answer. They just give you that much more. There is no use talking to them; leave them alone. There is no use arguing.

500 Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) When was it that you saw Mr. Berry and you had the ladder?

A. I don't remember that. I couldn't say what date it was, but it was in September.

Q. In September of what year?

A. 1936.

Trial Examiner McCarthy: 1936?

A. Yes, your Honor.

Q. (By Mr. Seyfarth.) 1936?

A. Yes, your Honor.

Q. Where were you at that time, Nels?

A. I was over at the office on the lights.

Q. You were cleaning lights in the office?

A. Yes, I was.

Q. Did you have the lights turned on or off?

A. No, I can't turn them off.

Q. Did you clean the lights when they were burning?

A. No, out in the hall you have to do it.

Q. (By Trial Examiner McCarthy.) Where were you working, in the hall?

A. No, I was working on the back stairs.

Q. Were the lights on or were the lights off?

A. The lights were on there, yes. I got orders to leave them on.

501 Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) And you were cleaning the lights while the lights were turned on, is that right?

A. I was just about to go up there, but he came down the steps and said something about the ladder.

Q. What did Mr. Berry say when he saw you?

Trial Examiner McCarthy: Take a recess for five minutes.

(A short recess was taken.)

Mr. Seyfarth: What was the last question?

(Question read.)

A. Mr. Berry?

Q. (By Mr. Seyfarth.) Nels, we were talking about the time that you and Mr. Berry met each other in the hallway when you were about to clean the lights.

A. Yes.

Q. Now what did Mr. Berry say at that time?

A. Well, he said—

Mr. Reynolds: Speak loudly.

Trial Examiner McCarthy: Keep your voice up. The street cars are making a lot of noise. Talk out real loud.

A. All right, your Honor. I was up on the ladder and Mr. Berry came down the stairs and he said something like "You got a good red ladder there." It was painted red.

It is painted red so they won't run into it. I don't know if he misunderstood me.

502 Q. (By Mr. Seyfarth.) "You have got a good red ladder there?"

A. Yes, something like that.

Q. Something like that?

A. Something like that he said.

Q. Well, aren't you sure of what he said?

A. He said "a red ladder," I heard that, and he said "You won't be on that long." I thought I was in the way.

Trial Examiner McCarthy: That is all he said? That is all the attorney wants. Ask another question.

Q. (By Mr. Seyfarth.) Did Mr. Berry say anything after that?

Q. (By Trial Examiner McCarthy.) After he said "You won't be on there long," did he go on into his office or did you talk to him some more?

A. No, he kept on saying while he was walking along "You won't be on that long."

Q. Did he say anything else?

A. He said something more. I was just going to answer him "What do you mean?"

Q. He didn't answer you?

A. No.

Q. He went on into the office?

A. He kept on going.

503 Q. He went on into the office?

A. Yes, he did.

Q. (By Mr. Seyfarth.) Did Mr. Berry say anything that you didn't understand?

A. Well, he said it as he walked away. I couldn't get a chance to find out what he meant to say.

Q. Well, you didn't hear what Mr. Berry said?

A. Yes, I heard what he said. He said "You won't be on that ladder long."

Q. Did he say anything else at that time?

A. He did say something, but I couldn't—

Q. (By Trial Examiner McCarthy.) Is that all he said?

A. No, he said something else.

Q. But you didn't hear him?

A. I couldn't—

Q. You don't know what he said?

A. I couldn't say for sure. He was talking, and I was going to say "Mr. Berry, what do you mean?"

Q. Mr. Berry didn't say anything else that you heard?

A. Yes, he said something I heard there.

Q. What did he say?

Q. (By Mr. Seyfarth.) Can't you understand what he said?

A. Yes, he said "You have got a good red ladder." I thought it was in the way. I said "Yes, I have," but I was afraid I was in the way. He says "You won't be on that long." I was going to say—

Trial Examiner McCarthy: That is all.

Q. (By Mr. Seyfarth.) You were going to answer him, then he walked on?

A. Yes, he did. I answered him all right, but he didn't hear me. He looked around again then he went off. I was going to ask him if I was in the way and take the ladder away from there.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Did Mr. Berry say anything you didn't understand?

A. No, I fully understood him all the way.

Q. Did he say anything else that you didn't hear?

A. Yes, he did. He said something else—

Q. That is all.

A. He said something—

Trial Examiner McCarthy; That is enough. He will ask you some other questions perhaps. He will coup that all up and try to find out these facts by yes or no answers. Of course you can always explain your answers.

Q. (By Mr. Seyfarth.) After that you went into the office of Joe Forss?

A. No, I have to take my stuff—I didn't go in there, you know I have to go in the locker and have to carry my grease gun in there and lock it up. He was somewhere 505 out in the shop and I have to wait till he comes back.

Q. What did you go to Mr. Forss' office for?

A. To go out on the sand mixer. I grease that. I have to grease those rolls that is on there. Then I have a grease pocket that picks up sand, and it was standing there. Then I use it during the night.

Q. That isn't an answer to my question. I want to know why you went into Mr. Forss' office?

A. I went in there to go out on the sand mixer.

Q. You wanted some more work to do?

A. Yes.

Q. And you wanted to ask Joe Forss what else there was for you to do around there?

A. No, he gives me orders when I came up there to let him know whenever I have to go out on the job. If there is going to be greased I have to let him know. It needs greasing pretty near every day.

Q. In other words you reported to Joe Forss that you were going to go on the sand mixer?

A. Yes, that is right.

Q. What did Joe say to you then?

A. He said "No, I think not."

Q. He said "I don't think you are going to go on the sand mixer"?

A. He didn't say that. He said "I think not." 506 That is what he said.

Q. What did you say?

A. "Well, have you got something else for me, Joe?"

Q. (By Trial Examiner McCarthy.) What did Joe say?

A. He said "No." "No," he said, "I am firing you." I said "What are you firing me for? What is it about?"

Q. You asked him that?

A. Yes.

Q. And what did Joe say?

Mr. Seyfarth: Just a minute.

Q. (By Trial Examiner McCarthy.) What did Joe say?

A. Well, he said I was fired. I wanted to know what the reason was. I said "Don't I do my work, Joe?"

Q. Yes. And then when you said why, then what did Joe say?

A. Well, Joe, he said no I couldn't.

Q. Couldn't what?

A. I couldn't go out. He didn't say "No." He said "You are fired."

Q. Then you said "Why am I fired?"

A. Yes.

Q. And then what did Joe say?

A. Well, he said—after he said I got fired he said—

Mr. Seyfarth: I can't hear you, Nels.

Trial Examiner McCarthy: He hasn't said anything yet.

507 Mr. Seyfarth: I saw his lips moving, Mr. Examiner. Trial Examiner McCarthy: Excuse me.

A. He said after I got fired—

Trial Examiner McCarthy: Keep your voice up.

A. I asked him what the trouble was that I got fired, and he said "You are Louis Salmons' helper."

Q. (By Trial Examiner McCarthy.) What is that?

A. "You are Louis Salmons' helper." He didn't say that straight out there.

Q. (By Mr. Seyfarth.) He didn't say what?

A. He didn't say that.

Q. Joe Forss didn't say you were Louis Salmons' helper?

A. Yes, he did say that.

Q. Then what did you say?

A. I said "I am not his helper." I said Joe said, "You are Louis Salmons' helper."

Q. Yes.

A. And I said "Yes, I help him all right; I go with him out on the job, I do that. You know whenever I go out I let you know where I am going all the time." So he said "It isn't that; you help to organize in the plant." "No, I haven't organized anybody in here, Joe. You don't think I would be crazy enough to do a thing like that?" He said, "Well, I can't do anything for you; it is Harry's

order." "That is what I want to know," and if he
508 will do me a favor—I asked him if he would do me a
favor and tell me who it was, if it was any of the boys
had something against me—

Trial Examiner McCarthy: That is enough.

A. —I would square it up.

Q. (By Seyforth.) Did you ask Joe if any of the boys
had anything against you?

A. Yes, I did. He said "No, it is Mr. Berry's orders."

Q. Nels, were you signing up any boys in the plant?

A. No, I never did.

Q. You never did anything like that, did you?

A. No, I never signed anybody up but myself.

Q. You didn't ask anybody to sign in the shop or on
company property, did you?

A. No, no, no, I didn't bother with it at all.

Trial Examiner McCarthy: That is enough. One "No"
is enough.

Q. (By Mr. Seyfarth.) Did you tell Joe Forss that
you didn't sign anybody up in the plant?

A. I told him that. He said he couldn't do nothing
about it.

Q. He said he couldn't do anything about it?

A. That it is Berry's order—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Then you said "Goodbye,
Joe"?

509 A. I did.

Trial Examiner McCarthy: Keep your voice up.

A. Yes, I said goodbye.

Q. (By Mr. Seyfarth.) What was the next thing you
did?

A. I went home.

Q. Then you came back to see Mr. Berry, didn't you,
some time later?

A. A long time. Mr. Disser of the Labor Board sent
me down. He called me up and told me to go down—

Q. Just a minute. Just answer my question. You
then talked to Louis Salmons, didn't you?

A. Yes, I did.

Q. (By Trial Examiner McCarthy.) When was that?
How long afterwards?

A. Oh a few months after. I couldn't say what month
that was. I don't remember that.

Q. (By Mr. Seyfarth.) About two months after you
were discharged?

Trial Examiner McCarthy: A few months he said.

A. More than that.

Q. (By Mr. Seyfarth.) It is more than two?

A. It was close to four months, I think.

Q. About the third or fourth month after you were discharged?

A. It must have been.

510 Q. You talked to Louis Salmons?

A. I talked to him part of the time. I wanted to know more about this business. I got out for signing up, and I wanted to know what it was all about.

Q. (By Trial Examiner McCarthy.) When did you see Mr. Salmons?

A. I don't know. I can't say the date for that.

Q. Approximately?

A. I seen him right along.

Q. All right. This was about four months afterwards?

A. Yes, I did.

Q. (By Mr. Seyfarth.) Would you say about four months afterwards?

A. Yes.

Q. Was that the time Mr. Salmons told you to go down to the Labor Board?

Trial Examiner McCarthy: You can say yes or no.

A. Yes, he told me to go to the Labor Board. I went down there.

Q. (By Mr. Seyfarth.) Then you went down to the Labor Board and you saw Mr. Disser, is that right?

A. Yes.

Q. Did you tell Mr. Disser everything that you have testified to here today?

A. No, I told him more than that.

511 Q. You told him—

Trial Examiner McCarthy: He said he told him more than that.

Q. (By Mr. Seyfarth.) Did I understand you to say that you told him more than you testified to here today?

A. If he asked me some questions I would answer him, answer him all I know, the way it came out.

Q. Would you say you told Mr. Disser everything you have testified to here today?

A. Well I did. I said the same as I say now.

Q. That is enough. What did Mr. Disser tell you now?

A. Well, he said to go down and see Mr. Berry. He gave me a card with his name on it. He said "Go down

and see Mr. Berry and tell him you would like to get your job back." I said "Who wouldn't?"

Q. That is enough. Who was with you when you went to see Mr. Disser at the Labor Board?

A. There was nobody with me that day.

Trial Examiner McCarthy: Keep your voice up.

Q. (By Mr. Seyfarth.) Was Louis Salmons ever with you?

A. Once, yes.

Trial Examiner McCarthy: What time are you referring to now?

Mr. Seyfarth: I am referring—he had only seen Mr. Disser once up to this time.

512 A. I don't know for sure if he was with me the first day or not.

Q. Was Mr. Nowak with you?

A. No, I don't know him at all.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) How many times did you see Mr. Disser at the Labor Board?

A. I saw him quite a few times.

Trial Examiner McCarthy: Keep your voice up.

Q. (By Trial Examiner McCarthy.) How many times?

Q. (By Mr. Seyfarth.) How many times would you say you saw Mr. Disser?

Q. (By Trial Examiner McCarthy.) Just approximately?

A. It is about five times—no, I don't know; about the fifth time I was there but I didn't talk to him.

Q. About three or four times you saw him?

A. Four times.

Q. (By Mr. Seyfarth.) Nels, was Louis Salmons ever present at any time that you saw Mr. Disser?

A. Yes, he was. After I see Mr. Berry he came down with me and wanted to know how it came out.

Q. Did Mr. Salmons and you talk to Mr. Disser about your case?

A. No. I talked to Mr. Disser alone. He was there that day, but I told Mr. Disser I liked to talk to him alone.

513 Trial Examiner McCarthy: Keep your voice up.

A. I talked to Mr. Disser. I told him I would explain everything to him, and let him judge and see what it was all about.

Trial Examiner McCarthy: That is fine.

Q. (By Mr. Seyfarth.) Did you go down to the Labor Board with Mr. Salmons?

A. No, I went alone.

Q. Did you meet Mr. Salmons down there?

A. I did one time, yes.

Q. When was the next time you saw Mr. Berry?

A. I haven't seen him since then two times.

Q. (By Trial Examiner McCarthy.) After you went to the Labor Board and Disser said "Go down and see Berry," you went down to the plant, did you, and tried to see Mr. Berry?

A. Yes, your Honor, I did.

Q. And you didn't see him that time, as I understand it?

A. No, he was sick.

Mr. Seyfarth: I would like to fix the date of that.

Q. (By Mr. Seyfarth.) When did you go down to see Mr. Berry?

A. I couldn't say the date. I don't know for sure.

Q. Do you know approximately, Nels?

A. No, I don't. I have it marked down and I can look it up.

514 Q. How long after you had seen Mr. Disser the first time did you go to see Mr. Berry, one or two days?

A. No, I went down—the last time I spoke to Mr. Berry I went down to Disser the same day. I called Mr. Disser up—

Q. Just a minute. You had tried to see Mr. Berry once before that?

A. Yes, I did.

Q. And Mr. Berry was sick?

A. Yes, and I called the Labor Board on the phone at 39th and Wentworth.

Q. Mr. Berry was sick, is that right?

A. Yes, he was.

Q. Who told you he was sick?

A. The employment manager, Stanley Staskey.

Q. Then you called Mr. Disser?

A. Yes, sir.

Q. Did you tell Mr. Disser that Mr. Berry was sick?

A. Yes, I did.

Q. What did Mr. Disser tell you?

A. He said "Wait a week."

Q. He said to wait a week?

A. Yes.

Q. Then did you wait a week before you went to see Mr. Berry again?

A. Yes, I waited till he came back—no, I didn't wait quite a week, no. I didn't quite believe Stanley Staskey. I never do.

Q. You don't believe him?

A. No, because one time—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) What were you going to say, Nels?

A. That I went back again and wanted to see if Mr. Berry was there, and he was that day. I don't recall if it was a Wednesday or Friday. I can't say. I think it was a Wednesday. I don't keep much track of that because it don't mean much to me. I talked to him about it and I told him about it, and it don't go me any good.

Q. What time of the day did you see Mr. Berry?

A. I don't remember that. I didn't mark it down and I can't remember that. I didn't mark that down.

Q. Was it in the morning or afternoon?

A. What time of the day?

Q. (By Trial Examiner McCarthy.) Was it in the morning or afternoon?

A. I waited down there two hours, I think it was.

Q. Was it in the morning or afternoon?

A. That I can't say for sure.

Q. If you don't know, say so.

A. It was close to noon.

Q. It was in the morning?

516 A. I waited—

Trial Examiner McCarthy: That is enough.

A. I don't remember the time.

Q. (By Mr. Seyfarth.) Then you went into Mr. Berry's office?

A. He called me in. He came up the back way and he said, "Come on in." And I don't recall that time; I didn't keep track of the time.

Q. You went in the office with him?

A. Yes, I did. He asked me to sit down—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Who was present?

A. There was a fellow there.

Q. What was his name?

A. I don't remember him. I don't know him at all.

Q. Was he tall or short?

A. A short fellow.

Q. Was he heavy or light?

A. He was heavy, light haired.

Q. Light haired?

A. I have seen him several times down there before that. I see them all, for that matter.

Q. (By Trial Examiner McCarthy.) Was he a boss?

A. I couldn't say. I don't know. He was merely sitting in there by the desk.

517 Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Was that the last time you saw Mr. Berry?

A. Yes, he was in there. I saw him the last time. He was sitting by the desk.

Q. We are talking about the time that Mr. Berry summoned you in the office, told you to come in?

A. I was alone at that time.

Q. (By Trial Examiner McCarthy.) Was that the first time?

A. That was the first time, yes. There was no one there at that time.

Q. (By Mr. Seyfarth.) There was no one there at that time?

A. No, I don't think so. That was around noon—yes, there was. There was Mr.—what was his name? I don't recall his name now. I have known him.

Trial Examiner McCarthy: That is enough. What do you want to develop by this witness? You are just going over the same ground he has already testified to.

Mr. Seyfarth: I am frank to state, Mr. Examiner, that I didn't understand half of what he said.

Trial Examiner McCarthy: It will show in the record.

Mr. Seyfarth: I can't cross-examine without knowing.

Trial Examiner McCarthy: It is just a repetition of what he has already testified to. If there is something he has made some mistake on, why you can concentrate on that.

518 Mr. Seyfarth: I would like to know who was present at the time of these various occurrences.

A. There was no one there the first time. There were, but they walked out, if that is what you want. There was no one there.

Q. (By Mr. Seyfarth.) What did Mr. Berry say at that time, Nels?

A. Well he said "I got two men here, Nels. They ain't here today, so I can't do nothing for you. I can't find out

anything. There ain't much to find out, you understand that, and I give you a chance to square up."

Q. (By Trial Examiner McCarthy.) Was that the first time you saw Mr. Berry?

A. Yes, it was.

Q. After you were fired?

A. Yes.

Q. After you came from Disser's office?

A. Yes, he told me to go down there then.

Q. Then that is the first time?

A. Yes, your Honor.

Q. You are talking about that time?

A. Yes, your Honor.

Trial Examiner McCarthy: All right.

Q. (By Mr. Seyfarth.) So it was on that occasion he said there were two men?

519 A. Yes.

Q. That weren't there that day, but he wanted to see them?

A. Yes.

Q. And he would give you a chance, but he wanted to see those two men first?

A. Yes.

Q. Did he tell you what their names were?

A. No, he didn't mention their names. He said they weren't here. I said, "If they have got something against me I would like to know." I thought maybe they have something against me that I don't know, and I want to see them and square myself.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) What did Mr. Berry say then?

A. He said to come back a week later. I think I did that. It must have been a week, or it was two days, I don't quite remember.

Q. Somewhere between two days and a week later you came back to see Mr. Berry?

A. Yes, I did. He told me that. Maybe it was two days.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) What time of the day was it that you saw Mr. Berry the second time?

A. I don't remember that.

520 Q. Was it in the morning or the afternoon, Nels?

A. It was close to noon. I was waiting a long time. I got down there about ten o'clock and he wasn't there.

Trial Examiner McCarthy: That is enough. Wait a minute. Try to answer yes or no.

Q. (By Mr. Seyfarth.) Nels, on this occasion was the short light man present when you saw Mr. Berry?

A. Yes, the last time.

Q. He was in the room with you?

A. Yes.

Q. What did you tell Mr. Berry then?

A. Well, I wanted to find—if he found out anything. He didn't find out a thing, he says: I said "I won't get my job back then?" I said "What are you firing me for? I haven't done anything wrong that I know of. You said you fired me and I want to know." He said "Don't you think a man should get fired if he don't do his work?" I said "Yes, Mr. Berry, he should. If he don't do his work he should." That is what I told Mr. Berry.

Q. Did you pound the table in Mr. Berry's room at that time?

A. No.

Q. Did you swear at Mr. Berry at that time?

A. I don't remember.

Q. You have answered the question.

521 A. No, I don't remember that.

Q. (By Trial Examiner McCarthy.) Did you ever swear at Mr. Berry?

A. No, not that I know of. I wouldn't know it if I know anything.

Q. Do you know if you swear at a boss?

A. I may do it if it slips out of me. I heard it all the time. It may slip right out of me. I got to be careful to not say them things, but it slips out of you and you can't help it, because you train your mind up to that every day.

Q. (By Mr. Seyfarth.) In other words, if you got mad that sort of thing might slip out of your mouth?

A. I don't know where it comes from.

Trial Examiner McCarthy: What did you say?

A. I asked him what the reason was. He said the only thing a man should get fired for is not doing his work. I said he should get fired for that, but that isn't what I got fired for.

Q. (By Trial Examiner McCarthy.) What did you swear at him for?

Mr. Reynolds: I object.

A. I didn't swear at him.

Trial Examiner McCarthy: He said it slipped out.

Mr. Reynolds: He said it may slip out. He said he didn't remember.

522 A. I never do swear, only it slips out without my knowing it.

Q. (By Trial Examiner McCarthy.) It slips out without you knowing it how often?

A. Not very often.

Q. Once in a while?

A. No, sir, your Honor.

Q. Did it slip out in Mr. Berry's presence that you remember?

A. No, your Honor. I don't do those things. I keep that down, because it is slang, and it is bad, and I don't like it, and I never did, because you hear it every day. You take a walk through there and you will hear it.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Did you ever go down to the Labor Board after this last visit with Mr. Berry?

A. No, I didn't, not after I seen Mr. Berry—I went down the same day too, the same day I saw Mr. Berry I had to go down. He said "You better call me up before you come down, and that will save you car fare."

Q. Did you go downtown to see Mr. Disser?

A. Yes, I did.

Q. Did you tell him what had happened?

A. Yes. He said "You got him mad and he won't do this for you and he won't do that."

523 Q. What did he tell you?

A. He said "You must have said something that made him sore; that is why you didn't get your job back."

Q. (By Trial Examiner McCarthy.) He said you got him mad?

A. Yes, about the union. He said not to tell him anything about having a union. Well I did join the union, I know that, but he shouldn't care about that. He knew what I got fired for. He did give the order himself. He admitted that to me that he did.

Q. Who?

A. Mr. Berry. I said "Mr. Berry, that is all I want to know."

Q. (By Mr. Seyfarth.) Did Mr. Berry say he got mad at you for joining the union?

Trial Examiner McCarthy: No, he said the witness testified that Disser had said that.

Q. (By Mr. Seyfarth.) You are not telling us what Mr. Disser told you, is that right?

A. Yes. That is what I told him when I came back. I told him—

Trial Examiner McCarthy: Wait a minute.

Q. (By Mr. Seyfarth.) Was Mr. Berry at any time mad at you?

A. He was that day that I mentioned the union. He got sore and he pounded on the table.

524 Q. Did you pound on Mr. Berry's desk?

A. No, he pounded himself.

Q. You didn't pound on his desk?

A. No, he pounded that himself.

Q. How long have you known Coslin?

A. Known him? I haven't known him. I see him down there, that is all.

Q. (By Trial Examiner McCarthy.) How long have you seen him around?

A. Oh, I have seen him around since I started, because he came up to the tool room when I first started in the tool shop.

Q. That is back in 1927?

A. Yes, your Honor. I couldn't speak English so good. I went to school and learned how to speak English and all that—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) Did you know that Coslin had signed up with the C. I. O.?

A. Yes, I saw that myself. He did that on 47th Street. The day I can't say. It was the day they had that meeting, and there was another fellow there—

Q. Just a minute. Now what time of the year was it that Coslin signed up?

A. I don't recall if it was before 1936. I don't remember that. It was 1936 or 1937.

525 Q. Was it in the spring or in the fall?

A. That was in the spring or the summer.

Trial Examiner McCarthy: Keep your voice up. The street cars make a lot of noise and you have to talk loud.

A. I don't remember the date that was either, no, I couldn't say that date.

Trial Examiner McCarthy: That is enough if you don't remember.

A. But he signed up.

Trial Examiner McCarthy: That is enough.

A. All right, excuse me.

Q. (By Mr. Seyfarth.) You say you saw Coslin in the machine shop?

A. I see him all around.

Trial Examiner McCarthy: What time?

Mr. Seyfarth: At various times.

A. Oh yes, I see him going over to the factory. I was cleaning lights at this time there when this came up.

Q. (By Mr. Seyfarth.) You saw him in the plant when you were cleaning lights there?

A. Yes, he came back to the tool room. I see him every day. You can't miss him, because you move your ladder around and you look at each guy when they walk by you.

Q. How many times did you see him talk with Staskey?

A. Two or three times the same day when I was in there.

526 Q. Two or three times the same day?

A. Yes, I sure did.

Q. Was that the day you were cleaning the lights?

A. Yes, it was. It must have been September 4th, 5th or 6th—September the 10th I came over there, because I came from the office at that time.

Q. When was it that you were cleaning the lights in Staskey's time office?

A. That was September the—I can't tell you the time; I won't swear to it.

Q. (By Trial Examiner McCarthy.) Just approximately.

A. You know I can't remember. I would swear September, yes, it was September.

Q. (By Mr. Seyfarth.) Of what year?

A. 1935.

Q. September of 1935?

A. Yes, sir, it must have been the 10th.

Q. Pardon me?

A. The 10th of September, or the 9th.

Q. 9th or 10th of September, 1935?

A. Yes, because I went—

Q. (By Trial Examiner McCarthy.) How do you know it is the 9th or 10th?

A. Because I started the 4th of September in the main office there on account of the windows; I have to get it 527 in when it is light, and usually in September we start cleaning over there. That was the year before, and a year later, in 1936, I don't remember what time that was.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) After you didn't get your job back with the Link Belt Company you went to work for the Kayot Silversmiths?

A. Kayot Silversmith Shop, yes.

Q. And you worked for them for about two weeks?

A. Yes, I did.

Q. Did I understand you to say that you were discharged because you weren't able to do the work there?

A. Yes, I think that was the reason. There might have been some other reason, but he didn't say, because I told him the night before my daughter was at the County Hospital and I was kind of worried about it. That might have been. I was kind of worried about my daughter. She was pretty sick, so it might have been—

Trial Examiner McCarthy: That is enough. That is fine.

Q. (By Mr. Seyfarth.) Now, Nels, you say you don't believe Mr. Staskey, is that right?

A. No I don't.

Q. Have you and Staskey got any sort of personal grievance?

A. I am not afraid to say that, because it is the 528 truth. I always do.

Trial Examiner McCarthy: Keep your voice up.

A. It has nothing to do with this case at all.

Trial Examiner McCarthy: If it hasn't anything to do with it—well, go ahead and tell us.

Q. (By Mr. Seyfarth.) Why are you mad at him? Why don't you believe him?

A. One time he came to me as I was cleaning lights—I wasn't cleaning lights at that time, but the soap, the liquid soap—I never use that, I never used that stuff; I always used that other style—

Q. (By Trial Examiner McCarthy.) Why are you mad at Staskey?

A. Because when he accuse of something you never done—

Q. That is the reason?

A. He said I did something I didn't do. And I told him—

Q. (By Mr. Seyfarth.) When did this take place?

A. That was during the time I was cleaning lights. He thought maybe I used on them lights—

Q. (By Trial Examiner McCarthy.) About when was it, do you know, what year?

A. That was in 1935—no, it was right after Christmas; I believe it was 1936.

Q. (By Mr. Seyfarth.) Right after Christmas?

A. 1936, I believe it was. Yes, it was.

529 Trial Examiner McCarthy: That is enough.

A. I don't recall.

Q. (By Mr. Seyfarth.) Was it in 1936 or 1937?

A. No, it wasn't in 1937.

Q. Was it in 1935 or 1936?

A. It was between 1935 and 1936, along in there. I couldn't say.

Trial Examiner McCarthy: That is all right.

Q. (By Mr. Seyfarth.) Now, Nels, would you say that since that time you haven't believed Mr. Staskey?

A. Yes, I don't, because he said I have some valuable information. He says "You went over in the basement and took a bucket of soap and the soap was all missing over there," and I said "I heard you mention it." I said "No, sir, I don't use that kind of soap, I never use it."

Trial Examiner McCarthy: That is enough.

A. And he said—

Trial Examiner McCarthy: Wait just a minute.

Q. (By Mr. Seyfarth.) Nels, did you believe Staskey when he told you that you were fired for joining the C. I. O.?

Trial Examiner McCarthy: Wait a minute; Staskey didn't say that, did he?

A. Yes, he did, your Honor. That day I got my check. Mr. Forss told me to go and get my check and go on out.

I said "How about the check?" Well he didn't say 530 that after I went in the wash room. He wanted the committee from the local—

Q. (By Mr. Seyfarth.) Staskey wanted?

A. No, Joe Forss. He said "You go and see Joe Staskey and he pays you."

Q. (By Trial Examiner McCarthy.) Then what?

A. I went in to see him.

Q. Then what?

A. I asked him for the check.

Q. Then what happened?

A. He started talking. I didn't pay attention to him.

Q. What did he say?

A. Well, he said it looked like Mr. Berry has got me fired. I said "He fired me for something I never done."

Q. I don't care what you said. What did Stanley Staskey say?

A. He said "Well, you don't do your work up in the office." I said "What do you mean I don't do my work; lights or what?" And I said "Sure I do." He said something else, but I don't remember that either.

Q. Was that all he said?

A. He didn't say that at that time; not the day I go home.

Q. I don't care what he said any other time. What did he say when he paid you the check?

531 A. He asked me about the family. My wife was sick. I don't think he knew about that.

Q. Stanley had said you were fired?

A. No, he didn't say I was fired. He had nothing to do with that. Mr. Berry was the one that fired me. That was his order. That is all I know.

Trial Examiner McCarthy: That is enough.

Mr. Seyfarth: That is all.

Q. (By Mr. Wham.) Nels, you say that when Jim Coslin joined the C. I. O. that there was something funny about it?

A. Yes; I told Louis about it. I said "How do you know," I said, "I am out now; I lost my job on account of signing up with the C. I. O.," and I told Louis "How do you know that this man don't go around and tell them all about it?" And I said, "You said he joined the C. I. O. and we have to have so many members in to get anything and organize the place."

Q. Did you say something there of another union?

A. I don't know nothing about the other union.

Q. I thought when you said that there was something funny about it, you said there was another union in the plant.

A. That is when Louis Salmons told me they had another union down there. I said, "How do you know that man don't go around—"

Q. Was that at the time that Coslin joined the C. I. O.?

A. He joined it right there, yes.

532 Q. Was there another union in the plant at that time?

A. Yes, there was. That is what Louis told me. He said they had another union down there.

Q. At the time Coslin signed with the C. I. O. there was another union in the plant?

A. Yes, that is what Louis told me. I don't know myself.

Q. (By Trial Examiner McCarthy.) Are you sure it was at the time that he joined the C. I. O.? Where did this take place that you are talking about with Salmons?

A. On 57th Street.

Q. About what time of the year? What year, do you remember? If you remember, all right, say so.

A. It was after 1936.

Q. After 1936?

A. It was 1937; oh yes, 1937; in 1937 when he came there.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Wham.) So that would make Coslin sign up with the C. I. O. in 1937, would it?

A. Yes, it would. That would be the year. He didn't tell me anything about what that date was.

Q. Do you know what union they were talking about?

A. He said a company union, Independent Union. I don't know what them unions are. I don't know what they have.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Wham.) You thought Coslin belonged 533 to the Independent Union, is that right?

A. Yes, that is what I understood from Louis. I said "I don't think he belongs to this union here; I don't know for sure."

Q. (By Trial Examiner McCarthy.) You said that or Louis said that?

A. I told Louis that, because I was fired then.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Wham.) Did you tell him that at the time Coslin joined the C. I. O.?

A. Yes, I did, and he said it ain't so. He said "I have known that man for years," he said, "He is all right."

Q. You have known Louis Salmons a long time too, haven't you?

A. Yes, I have but—

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Wham.) You think pretty well of him, don't you?

A. I always done that. He has always been—

Trial Examiner McCarthy: That is enough. Say yes or no.

Q. (By Mr. Wham.) He is an honest man, isn't he?

A. Yes, that I know of. I don't have—

Trial Examiner McCarthy: That is enough.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

534 NICK CUMORICH, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) What is your name?

A. Nick Cumorich.

Q. What is your address?

A. 1852 Blue Island Avenue.

Q. Blue Island Avenue?

A. Yes, sir.

Q. Were you employed by the Link Belt Company?

A. When I start?

Q. Yes, did you once work for the Link Belt?

A. Yes, sir.

Q. What was the last day that you worked, or do you remember?

A. May 19th I got fired.

Q. May 19th, what year?

A. 1937.

Q. 1937?

A. Yes, sir.

Q. Prior to that time—before then how long had you worked for the Link Belt?

A. I have been working since December.

535 Q. Since December of what year?

A. 1936.

Q. 1936?

A. Yes, sir.

Q. What was your job out there?

A. Laborer.

Q. Laborer?

A. Yes, sir.

Q. What department did you work in?

A. In the Foundry.

Q. In the foundry?

A. In the foundry, yes.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. In April some time.

Q. (By Trial Examiner McCarthy.) April of what year?

A. 1936.

Q. (By Mr. Reynolds.) In 1936 you weren't working there?

A. No, I mean 1937.

Q. 1937?

A. Yes, that is right.

Q. Who asked you to join?

A. The guy—a friend of mine. I didn't know him long. I know just he was working there.

536 Q. Did you attend C. I. O. meetings?

A. Yes, sometimes; not exactly every time.

Q. Now do you remember when another union started in out there?

A. I just heard that some union—

Q. (By Trial Examiner McCarthy.) But you didn't know?

Q. (By Mr. Reynolds.) Did anybody ask you to join any other union?

A. Yes.

Q. Who did?

A. My foreman, night foreman.

Q. Who was he?

A. George his first name is.

Q. Is that George Belov?

A. Yes.

Q. Now, how long was it before you were fired that he asked you to join the Independent Union?

A. Oh, I guess a couple of weeks something.

Q. What did he say to you?

Mr. Wham: I object to that question because he didn't say it was an independent union.

Trial Examiner McCarthy: Yes he did, as I understood it. Overruled.

Mr. Wham: He just said it was a union.

Q. (By Mr. Reynolds.) What did Mr. Belov say to you?

537 A. He ask me if I want to join the Independent Union, company union. I just say no, that is all.

Q. Now, how many men does Mr. Belov give orders to?

A. Well he went around the shop.

Q. (By Trial Examiner McCarthy.) How many men work under him? He bosses how many men?

A. I don't know exactly.

Q. Approximately?

A. About fifteen or twenty men, something like that.

Q. (By Mr. Reynolds.) Fifteen or twenty?

A. Yes, something like that, at night.

Q. Did anybody else ever ask you to join the Independent Union?

A. No.

Q. Did you see your foreman ask anybody else to join the Independent Union?

A. No, I didn't see because I was working. I was looking at my job and keep on working. I didn't see him.

Q. At the time he asked you did he have anything with him?

A. No—he had a paper in his hand.

Q. Did he show you the paper?

A. No.

Q. You didn't read what was on it?

A. No.

Q. (By Trial Examiner McCarthy.) Can you read English?

538 A. Just real little.

Q. Real little?

A. Yes.

Q. (By Mr. Reynolds.) Well did you see him take the paper anywhere else?

A. I see him just walk away from me, that is all I see him. I keep on working.

Q. (By Trial Examiner McCarthy.) Did he take the paper to any other men?

A. He go around.

Q. To all the other men on the floor?

A. On the floor, yes. I don't see anybody take it because I keep on working, you know. I don't want to look around.

Q. Was it a little paper or a big paper?

A. No.

Q. A paper about the size of a letter?

A. Something.

Q. (By Mr. Reynolds.) Now speak up loud, Nick. On May 19th what happened when you came to work?

A. I came to work and I want to start to work on my job, and he came around with an envelope in his hand and wants to give me money.

Q. Who came around?

A. My foreman. He says, "Nick, here is your money and you got fired."

539 Q. What did you say?

A. Well, I asked him what is the reason I got fired. He says he don't know.

Q. Who was your foreman?

A. George.

Q. (By Trial Examiner McCarthy.) George Belov?

A. Yes, he was foreman nights.

Q. (By Mr. Reynolds.) He said "I don't know"?

A. Yes.

Q. Did he say anything else?

A. I asked him what is the matter. He said he is sorry for me. I am a good working man.

Q. What time was this that he came?

A. Something after nine. We used to start at nine o'clock at that time. Something after nine.

Q. (By Trial Examiner McCarthy.) Nine o'clock at night?

A. Yes, nine o'clock at night.

Q. (By Mr. Reynolds.) Now how many other men are there, Nick, on the same kind of work that you did at that time?

A. Only one man was working with me in laboring inside and outside.

Q. One other man?

A. Yes.

Q. Who was he?

A. That was—his name is John, a young fellow.

540 Q. John?

A. Yes.

Q. He worked along with you?

A. Yes.

Q. Now did he start before or after you started for Link Belt?

A. He started after me.

Q. How long after?

A. About a couple of months or so. I am not sure.

Q. And do you know whether he worked there after you left?

A. He was working that night, and he worked after I left.

Q. Now had any—had the foreman ever criticised your work, said your work wasn't good?

A. No, he didn't say anything to me that I know.

Q. Did any foreman or officer of the company ever say anything to you about your work?

A. Well no. When I was working days, when I start to work, you know, they put me out grinding castings, and they just says to me I should take it easy because I don't know how to do it, just to break me in.

Q. And you left that job later, did you?

A. Yes, he puts me in at night.

Q. At night?

A. Yes, as laborer.

Q. Now what kind of work would you do on your laborer's job?

541 A. Break the castings, the big ball drops down, and I shovel sand, loading on a car.

Q. Now how many hours a week were you working at the time you were discharged?

A. I worked five days.

Q. Five days?

A. Nine hours a day.

Q. Nine hours a day?

A. Yes, sir.

Q. Did you ever work any more than that?

A. No, I worked nights.

Q. You worked at night?

A. Yes, sir.

Q. What was your rate of pay at the time you were discharged?

A. I had 48 cents an hour when first I start, 48.

Q. Now on May 19th at the time you were laid off were you getting regular work?

A. Well they put me all around.

Q. I mean you worked nine hours every day?

A. Yes, nine hours every day.

Q. Did you ever work any more than nine hours?

A. No, only nights.

Q. No overtime?

A. No. All night work.

542 Q. After he told you that you were fired, what did you do?

A. I take my clothes and I went home.

Q. Did you ever loaf on the job, Nick?

A. No, I didn't. Sometimes I wait for the foreman to come and show me how to do it, that is all.

Q. Did you ever disobey any orders of the foreman?

A. No.

Trial Examiner McCarthy: So that the reporter can take it down, you said no?

A. No.

Q. (By Mr. Reynolds.) How much money have you made since you were discharged on May 19, 1937?

A. How much in all that time?

Q. Yes.

414 *Witness for National Labor Relations Board.*

A. Since I start?

Q. (By Trial Examiner McCarthy.) No, since you got discharged, since you got fired.

Q. (By Mr. Reynolds.) Have you made any money anywhere?

A. Yes, I was working.

Q. Where have you been working?

A. Karpen Brothers Furniture Factory.

Q. And when did you get that job?

A. I got it June 17th.

Q. June 17th?

A. Yes, sir.

543 Q. And how much money have you made since you have worked for them?

A. I don't know—I used to make twelve and fifteen dollars a week.

Q. Twelve and fifteen?

A. Yes.

Q. Do you know what the total amount is?

Mr. Reynolds: Mark this Board's Exhibit 14 for identification.

(Thereupon the document above referred to was marked as Board's Exhibit No. 14 for identification.)

Q. (By Mr. Reynolds.) I show you this paper marked Board's Exhibit 14 for identification and ask you if you know what that is. What is that?

A. That is what I make when I was working since I start the new year.

Q. Up until the first of January, 1938?

A. Yes.

Q. Is this the report that Karpen Brothers make for purposes of the income tax?

A. Yes, sir.

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Reynolds.) Since January 1st, 1938, what has been your salary or your wages for Karpen & Company? How much money have you made since the first of January?

544 A. After the new year?

Q. Yes, how much?

A. I make nine dollars a week.

Q. Nine dollars a week?

A. Sometimes twelve. I got all that what I make you know, I got those slips.

Q. Let's have the slips.

A. Yes, sir, that is for 1938.

Q. (By Trial Examiner McCarthy.) Did George Belov, your foreman, tell you why you were fired?

A. No, he didn't know, he says.

Q. He said he didn't know?

A. Yes.

Q. (By Mr. Reynolds.) Do you want to be reinstated on your job at the Link Belt Company?

A. Of course. There is more money over there. Here there is no money where I work now.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Cumorich, how many days a week do you work over at Karpen Brothers?

A. Sometimes two, three, four, five; no more than five.

Q. How much do you average an hour over there?

A. 40 cents.

Q. You are a chipper at the Link Belt, aren't you?

545 A. They hired me for chipper, but I didn't have no chance; they put me working as a laborer all around.

Q. (By Trial Examiner McCarthy.) What is a chipper?

Mr. Seyfarth: A chipper is one who takes a pick—

Q. (By Trial Examiner McCarthy.) What is a chipper? You tell us.

A. They chip the cast iron where it is rough from the mold.

Mr. Seyfarth: I understand the operation is performed with an air hammer.

Trial Examiner McCarthy: Oh, I was wondering.

Q. (By Mr. Seyfarth.) They gave you various jobs over there, did they, Mr. Cumorich?

A. What?

Q. They gave you various jobs around the Link Belt Company, is that right? You didn't work at one particular job for any great length of time?

A. No, no particular job at all.

Q. What were the various jobs you had there?

A. What do you mean?

Q. (By Trial Examiner McCarthy.) How many kinds of jobs did you do?

A. I had a lot of different kind of jobs; loading sand and chipping sometimes and grinding and working in the yard on the scrap.

Q. (By Mr. Seyfarth.) What else?

546 A. I don't know.

Q. (By Trial Examiner McCarthy.) Do you know some more?

A. No.

Q. What did you do in the foundry?

A. Then I unload them—what do you call it? What they clean the casting. What do you call them? I don't know.

Q. (By Mr. Seyfarth.) You mean the tumbling mill?

A. No, in the mill room where they clean the small castings. We clean them and load them out.

Trial Examiner McCarthy: We have a pretty good idea of the nature of your work.

A. Yes.

Q. (By Mr. Seyfarth.) You started working for Link Belt in December of 1936?

A. In December some time.

Q. And you worked there until May 19, 1937?

A. Yes, sir.

Q. Was Mr. George Belov your foreman in all of these various jobs that you had?

A. What do you mean?

Q. (By Trial Examiner McCarthy.) George Belov was just the night foreman, wasn't he?

A. Yes.

Q. Did he boss you when you worked on the—when you chipped?

547 A. Yes, he was out there.

Q. He was the same boss always?

A. All the time.

Q. (By Mr. Seyfarth.) During all the time you worked nights he was your foreman?

A. Yes.

Q. How long did you work nights?

A. I don't know. I couldn't tell you exactly; two months or so. I don't know. I have forgotten.

Q. Would you say that you worked four months during the day time and then the last two months you worked nights?

A. Something like that. I am not sure.

Q. Who was your foreman during the time you worked days?

A. He was named Stanley.

Q. Did you have a foreman by the name of Bill Peters?

A. Not when I was working days.

Q. Just answer my question yes or no. Did you ever

have a foreman by the name of Bill Peters? Did you ever have a foreman by the name of—

Q. (By Trial Examiner McCarthy.) The answer is no?

A. No.

Q. (By Mr. Seyfarth.) Did you ever have a foreman by the name of McKinney?

A. No.

Q. Did you know either one of those two men?

548 A. No.

Q. Did anyone ever complain to you of your work and your efficiency during the time you were working days?

A. No.

Q. (By Trial Examiner McCarthy.) The answer is no?

A. No.

Q. (By Mr. Seyfarth.) Did anyone ever complain—

Q. (By Trial Examiner McCarthy.) Do you know what efficiency means?

A. Yes, it means how much I make, or so.

Q. (By Mr. Seyfarth.) How well you do the work?

A. Yes, I know that.

Q. Did anybody complain about you doing your job badly?

A. No, they don't say, nobody.

Q. Either daytime or night?

A. No.

Q. At no time whatsoever?

A. No.

Q. When was it that you saw Mr. Belov with the paper?

A. It was just before, a week or two weeks, something.

Q. Before you were discharged?

A. Before I got fired, yes.

Q. Would you say that was around the first week in May of 1937?

A. Yes.

549 Q. You don't know what was on the paper, do you?

A. No.

Q. Who else was present when you saw Belov with the paper?

A. I don't know; only him, that is all.

Q. Was anybody present when Belov told you you were discharged?

Trial Examiner McCarthy: You have to answer for the reporter.

A. No, no.

Q. (By Mr. Seyfarth.) Where did your conversation with him at that time take place?

Q. (By Trial Examiner McCarthy.) Where were you when he fired you?

A. I was just coming on the job to work there.

Q. At the gate?

A. No, inside.

Q. In the foundry?

A. Right on the job.

Q. (By Mr. Seyfarth.) Right on the job?

A. Yes.

Q. Whereabouts?

A. In the foundry.

Q. Whereabouts in the foundry?

A. It was in the chipping room, you know, mill room.

Q. About what time was it?

550 A. After nine something.

Q. (By Trial Examiner McCarthy.) What time did you go to work, nine o'clock?

A. Nine o'clock start to work.

Q. (By Mr. Seyfarth.) He gave you your envelope right then, did he?

A. Yes, sir.

Q. Did you ever talk to anybody at the Labor Board about your being discharged, Mr. Cumorich?

Q. (By Trial Examiner McCarthy.) Did you go down to the Regional Office of the Labor Board.

A. The third day I went.

Q. (By Mr. Seyfarth.) Who did you talk to down there?

A. I can't remember; some man.

Q. Was his name Disser?

Q. (By Trial Examiner McCarthy.) Do you remember a man by the name of Disser? You don't remember?

A. No.

Trial Examiner McCarthy: That is all right. If you don't know, say so.

Q. (By Mr. Seyfarth.) Would you know his name if you heard it?

A. What?

Q. Would you know his name if I called it to you?

A. I don't know. I don't think so. I was once over there.

551 Q. You were only there once?

A. That's the time I see that man once—no, I was three times over there.

Q. Three times?

A. Yes.

Q. What did you tell the man that you saw there the first time you went?

A. I told him I got fired.

Q. Did you tell him everything that you have told the Examiner here today?

A. Yes.

Q. What did he tell you?

A. Well he told me he would try to do something.

Q. When was the next time you came back to the Labor Board?

A. The next time was a girl. When I go there, a girl was there, not a man.

Q. Did you talk to the girl?

A. Yes.

Q. What did she tell you?

Q. (By Trial Examiner McCarthy.) How long afterwards? The first time you talked to a man and another time you talked to a lady—how long?

A. Oh, quite long.

Q. A month?

A. No.

552 Q. Two or three months?

A. Yes.

Q. (By Mr. Seyfarth.) What did the lady tell you?

A. Well, she said they are going to try to do something.

Q. Did you talk to anybody else at the Labor Board the third time?

A. The third time?

Q. Yes.

A. Yes.

Q. Who did you talk to then, if you know?

A. This man over there (indicating).

Q. Mr. Reynolds?

A. Yes, that is the third time.

Q. Were you ever present at the Labor Board when Mr. Berry talked to Mr. Bjork about this matter?

Trial Examiner McCarthy: What is the name again? Bjork?

Mr. Seyfarth: Bjork, yes.

Q. (By Mr. Seyfarth.) Were you present on that occasion?

A. What do you mean?

Q. (By Trial Examiner McCarthy.) Did you see Mr.

Berry at the Regional Office of the Labor Board in Chicago?

A. Before?

Q. At any time did you see Mr. Berry down there?

A. Not before.

Q. Any time?

553 A. Just at that time, the third time I see him.

Q. You saw Mr. Berry there the third time?

A. Yes.

Trial Examiner McCarthy: Is that the time you refer to?

Q. (By Mr. Seyfarth.) When was that?

A. That was last week.

Q. (By Trial Examiner McCarthy.) Last week?

A. Yes.

Q. (By Mr. Seyfarth.) Are you sure you saw Mr. Berry at the Labor Board last week?

Trial Examiner McCarthy: Oh no, not Mr.—

Mr. Reynolds: He doesn't understand you.

Q. (By Trial Examiner McCarthy.) Do you know Mr. Berry? Do you know Berry, a fellow by the name of Berry?

A. This is Mr. Berry right here (indicating).

Q. Did you ever see him before?

A. No.

Trial Examiner McCarthy: Is that all?

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: Wait just a minute.

Q. (By Mr. Wham.) This man Belov you say is a foreman?

A. Yes, he was night foreman.

Q. Was there any other foreman there nights besides Belov?

554 A. No.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: Before the record closes I want to enter this statement of Mr. Cumorich as Board's Exhibit 14; and also state that the amount that he earned since January 1st up to date is \$126.19.

Mr. Seyfarth: If you say that is the correct figure, I will stipulate that.

Trial Examiner McCarthy: The exhibit will be received and the stipulation covering it.

(The document heretofore marked "BOARD'S EXHIBIT NO. 14" for identification, was received in evidence.)

(Thereupon, at 12 o'clock noon, a recess was taken until 1 o'clock p. m. Wednesday, March 16, 1938.)

555 After Recess.

(Whereupon, the hearing was resumed, pursuant to recess, at 1 o'clock p. m. Wednesday, March 16, 1938.)

Trial Examiner McCarthy: You may proceed.

PAUL BOZURICH, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) What is your name?

A. Paul Bozurich; 1550 East 64th Street, Chicago.

Q. Were you employed by the Link Belt Company?

A. I was.

Q. What was the last date on which you worked?

A. November the 9th, 1937.

Q. Prior to that time how long had you worked?

A. Approximately 18 months. I started, I think it was early part of May, 1936.

Q. What department did you work in?

A. Foundry.

Q. And what was your exact job?

A. Molder.

Q. Now what part of the foundry did you work in?

A. I worked on the main floor.

Q. The main floor?

556 A. Yes, sir.

Q. How was the foundry divided?

A. The foundry was divided into main floor, side floor, bench and squeezers.

Q. (By Trial Examiner McCarthy.) What is that—squeezers?

A. Yes, machine squeezers.

Q. (By Mr. Reynolds.) Now what was the difference in the work performed by the various men in the foundry there?

A. Well, on squeezers it is a plate work. You see the patterns are attached to the plates and the men just simply squeeze the molds.

Q. (By Trial Examiner McCarthy.) Squeeze the molds?

A. Yes. The bench is the part where small plates are made, run by hand, assembled by hand.

Trial Examiner McCarthy: Keep your voice up, please, because of the street cars.

A. And on the side floor are made the sprockets, most of them, and the rest of the patterns attached to the plate; also partly machine work. And on the main floor where is made a heavy casting or a heavy molding, big casting, large size castings run by sand slinger air rammer, and if necessary by hand rammer.

Q. (By Mr. Reynolds.) Now what other jobs were performed in that foundry department?

A. You mean to say what other jobs I performed, or—

Q. Are performed.

557 Q. (By Trial Examiner McCarthy.) Are performed in the foundry?

A. Core making and chipping.

Q. (By Mr. Reynolds.) What do the core makers do?

A. Well you see there are certain patterns which require a plate core to be made, and then we lay it in the mold before we close the mold, so that when metal is poured around in the mold that particular core provides for whatever necessary description of casting it must be.

Q. Now what is the other kind of work you mentioned besides core making—chipping?

A. Chipping.

Q. What do they do?

A. With air rammers usually cut off the fins around the casting and whatever the casting would be to bring it according to the description. And also there would be the grinders to polish the castings and the welders to fill it in, anything like that.

Q. Does that take care of all the main jobs performed in the foundry?

A. Approximately.

Q. Now what other jobs are there?

A. There also is a furnace where the metals are melted to be poured into the molds.

Q. Now before you came to the Link Belt Company had you ever worked in an iron foundry before?

A. Yes, sir.

Q. For how long?

A. Oh, I am in the foundry since 1916.

Q. Since 1916?

A. Yes, sir.

Q. And what jobs that are performed in a foundry have you done?

A. Similar to this job.

Q. Since you have started working in foundries what jobs have you done?

A. The same job as this here at the place I was working at Link Belt, molding.

Q. Have you ever been a chipper?

A. No, sir.

Q. Have you ever been a core maker?

A. No, sir.

Q. Do you know how to do that work?

A. I have an idea all right.

Q. Now what is the highest skilled job that is performed in an iron foundry?

A. You mean what class of work?

Q. Yes, the most skilled.

A. Known as jobbing work.

Q. Have you ever done that work?

559 A. Right along.

Q. Did you do that at Link Belt?

A. Yes, sir.

Q. What is jobbing work?

A. Well, the jobbing work is along the following line: The company that operates the foundry gets the order for various forms of castings from various factories, you see, and it brings the castings—the metal pattern in, or the blue print from which the patterns are supposed to be made, then the casting cast for various factories. You make today one job and tomorrow another for different customers. That is my understanding.

Q. Now during the time you worked for Link Belt Company did you ever have any complaint about the way you performed your work?

A. No, sir, outside of the advice. Whenever, for example, the foreman gives you a job and he wants that particular casting to be molded, he has some suggestion to make it in his own way, the way he thinks it shall be made, and advises, that is all.

Q. Now are you a member of the C. I. O., Mr. Bozurich?

A. Yes, sir.

Q. When did you join the C. I. O.?

A. In the middle of May, 1937.

Q. Was it before or after you were discharged?

560 A. Before.

Q. How much before?

A. I will say about five or six months.

Q. You were discharged—when were you discharged?

A. In November, 1937.

Q. Do you remember the month that you joined the C. I. O.?

A. Yes, sir.

Q. What month was it?

A. In the month of May, 1937.

Q. Where did you join?

A. In a restaurant at the corner of 39th and Wentworth. Mr. Salmons met me there and asked me if I was willing to join the union. So I asked him about what union, and he showed me the application card, and he told me "Here it is, think it over and then let me know if you want to sign it." So I took that card with me home, thought the thing over and made up my mind to join it.

Q. Now prior to the time you joined the C. I. O. had you been asked to join any other labor organization?

A. No, sir.

Q. Did you know about any other labor organization being present in the plant?

A. At that time?

Q. Yes.

A. Yes, known as Employees Representative Organization. They called it a company union.

Q. Now were you later asked to join, or told about another labor organization?

A. Yes, sir, I was.

Q. When was that?

A. That was, to the best of my recollection, on about April 20th.

Q. And what—describe what happened on that day?

A. Well, it was, I believe, the afternoon during the working hours. Mr. Lackhouse—

Q. (By Trial Examiner McCarthy.) How do you spell that?

A. Lackhouse?

Q. (By Mr. Reynolds.) L-a-c-k-h-o-u-s-e.

A. Yes, I think it is Lackhouse or something like that. He came to me with about that long (indicating) sheet of paper. There were a few names written on it, I believe, with pencil, and asked me if I want to sign that petition. I asked him what is it all about. He says "To organize a union." I said "What kind of a union?" I said "We have one union here already." He said "What union you mean?" I said "Company union."

He said, "Oh, that thing is no good." Then I said "Well, I won't sign nothing now until I will find out who wants this union"—the one that you want me to sign for—and I said "I will think it over and let you know some 562 time later."

So he said—well, smiling, he said "I don't care whether you sign or not," he says, "they made me go around and I had to do it."

And then he walked away to another fellow along the line. That was all.

Q. Did anyone else ask you besides Mr. Lackhouse?

A. Yes, sir. The next day, also the afternoon, a young fellow—I think he is molder on the steel floor—

Trial Examiner McCarthy: Keep your voice up, please.

A. —he also came to me with either the same sheet or a similar—in appearance it was a similar sheet of paper, and also asked me if I want to sign. I said "Sign for what?"

"Well," he said, "They want to form a union."

I said "What kind of a union?"

He said "I don't know," he said, "They want to start to organize the union." I said "Yesterday Mr. Lackhouse was here; I refused to sign, and I am not going to sign with you until I find out who wants this union and what it is all about."

So he also smiled and said "I don't give a damn whether you sign or not. They gave it to me to go around, and it is better than to work; easy money."

Q. (By Mr. Wham.) What was his name?

563 A. It is better to work—I mean, to go around with that sheet than to work.

Q. What was his name?

Trial Examiner McCarthy: He didn't give it.

A. Petrowski, something like that.

Q. (By Mr. Wham.) Is that Zenon Petrowski?

A. Yes, that is it. So he went away then.

Q. (By Mr. Reynolds.) Did you see him speak to others?

A. Yes, sir. He was on the line, you see, from the southern end of the flood I was working on to the north end.

Q. Who was your foreman?

A. When I started my foreman was at that time Mr. Olson.

Q. Did Mr. Olson see Mr. Petrowski talk to you?

A. I couldn't say that because it was a short conversation and I didn't look around.

Q. Did you see Mr. Olson present while Mr. Petrowski was asking other men in the department?

A. I couldn't say that because I paid no attention.

Q. Did you see him the day before when Mr. Lackhouse asked you?

A. I didn't.

Q. Now did anyone else ever ask you to sign for the Independent Union?

A. Yes, sir, a lot of them.

Q. Who else that you know?

564 A. Well, after that was Mr. Kovach.

Q. (By Trial Examiner McCarthy.) How do you spell that?

A. K-o-v-a-c-h.

Q. (By Mr. Reynolds.) When did he come up to you?

A. It was about April 27th.

Q. April 27th?

A. Yes, sir, he came to me. It was, I believe, during the afternoon working hours, and he asked me if I sign for the union.

I said "What union you are referring to?"

"Well," he said, "Independent Union, the one you were present at a meeting," he said, "last week," referring to that first meeting where the attempt was made to form the union, Independent Union.

Q. Were you present at that meeting?

A. Yes, sir.

Q. And did you take any part in that meeting?

A. Yes, sir.

Q. What did you do?

Q. (By Trial Examiner McCarthy.) What time was that about, do you recall? When was the meeting? What day was the meeting on?

A. Yes, I will give you the story on that. That was on about—

Trial Examiner McCarthy: Excuse me. Have you finished up with Kovach? Let's finish up with Kovach.

Mr. Reynolds: All right.

Q. (By Mr. Reynolds.) Then what did Mr. Kovach say after—

A. Well, he asked me if I did sign for that union, and I said no. I said "You know that I was there and you almost throw me out from the meeting because I asked the questions to clarify to me certain points before I will sign," and I says "I am not going to sign until those things will be clear to me."

Then he said "Well, think it over; it is for your own benefit."

And I said "I will try." So he went away.

Q. Now coming back to the meeting that you attended, when was the meeting?

A. On April 22nd.

Q. April the 22nd?

A. 1937.

Q. Now had there been other meetings before this?

A. Not to my knowledge. If you want to, I will give you the information how I was led to the meeting.

Q. How did you happen to go to the meeting on April 22nd?

A. Well, it was about, I think, early afternoon, working hours that I noticed the circulation of certain white copies among the employees—

Q. White copies, you say?

566 A. Yes. So one of the employees—I believe he is a crane operator—so he had one in his hand, right above the place where I was working. He looked at it and read it. And I see other employees had it—some of them, not all of them. So for a matter of curiosity I asked him what it is all about.

Q. Who did you ask?

A. The crane operator.

Q. The crane man?

A. Yes. Well, he said "I will be damned if I know what it is all about."

I said "I would like to have a copy too." I thought probably the company distribute some information to the employees. So finally he dropped me his own copy. I took a look at it and there was the headline. It was a mimeograph copy, and there was a headline "Proposed

Constitution and By-Laws of Independent Union of Craftsmen."

Well of course that was the first time I had a chance to see anything written on that particular union, and due to the fact that it was working hours I folded that copy and stuffed it in my pocket till I had a chance to read what it is all about. Then almost about one hour before the quitting time there was another distribution of about two inches wide approximately three inches in length the invitation cards to the meeting of Link Belt Employees 567 at, I believe, 3133 South Halsted Street, known as the Lithuanian Auditorium, and I think there was also the time scheduled 5:30 P. M.

So one employee came to me and gave me that card invitation.

Q. (By Trial Examiner McCarthy.) Who was he?

A. I think it was Mr. Felix Zitkus.

Q. How do you spell that?

Mr. Reynolds: Z-i-t-k-u-s.

A. You have got me now. He gave me that card, I believe—I am not so sure, but to the best of my recollection. So I took a look—

Q. (By Trial Examiner McCarthy.) Did he hand it to everybody around there or just give it to you?

A. No, he just give it to me, and he said "Somebody around here distributed these invitations."

Q. He wasn't the man that distributed them?

A. No.

Q. Who distributed them?

A. I didn't have a chance to see, because the circulation, as I understood, or the distribution, took place at the end close to the foundry office, then it was passed from hand to hand.

Mr. Reynolds: Now just a minute. Mark this Board's Exhibit 15 for identification:

568 (Thereupon the document above referred to was marked as Board's Exhibit No. 15 for identification.)

Q. (By Mr. Reynolds.) Mr. Bozrich, I show you this document marked Board's Exhibit 15, and ask you if you know what that is?

A. This is the copy of constitution and by-laws which was circulated in the foundry among the employees approximately in the month of June, but this is not the copy I was referring to.

Q. (By Trial Examiner McCarthy.) That isn't the one that the crane man dropped down to you?

A. No, it is altogether a different copy. If necessary I can—it is altogether different, with double space lines, mimeographed.

Mr. Reynolds: Mark this for identification Board's Exhibit 16.

(Thereupon the document above referred to was marked as Board's Exhibit No. 16 for identification.)

Q. (By Mr. Reynolds.) I now hand you Board's Exhibit 16 for identification and ask you if you know what that is?

A. That is right; this is the copy I got on April 22nd.

Q. (By Trial Examiner McCarthy.) Is that the one that the crane operator dropped down to you?

A. Yes, sir.

Q. (By Mr. Reynolds.) Or one similar to this?

569 A. Similar to this, yes.

Mr. Wham: What is the title of it?

Mr. Reynolds: Constitution of the Independent Union of Craftsmen.

A. Yes, that is right.

Trial Examiner McCarthy: You may proceed.

Mr. Reynolds: I will offer this in evidence as Board's Exhibit 16.

Trial Examiner McCarthy: It may be received.

Mr. Seyfarth: I object to its materiality.

Trial Examiner McCarthy: Overruled. Let it be received. You can have an exception on that.

(The document heretofore marked "BOARD'S EXHIBIT 16" for identification, was received in evidence.)

Q. (By Mr. Reynolds.) Now you say you received an invitation card to attend the first meeting?

A. Yes, sir. Then I took that card also, put it in my pocket, and then after the working hours I was on my way to the wash room to change my clothes. Right there next to the doors there is a wall bulletin board, and I seen a group of employees reading certain documents on that board, and I also walked over there on the way to the wash room and asked them what it is all about. So one of them called my attention, saying "Here is the agreement between some kind of Independent Union and the Link Belt Company." So I took a look at it and I read it too. I can't recollect or repeat the exact words, but in essence it was—

Q. Now just a moment, Mr. Bozurich. I show you Board's Exhibit 10 and ask you if you know what it is?

430 *Witness for National Labor Relations Board.*

A. Yes, this is the copy or a similar copy of the document I am speaking about.

Q. This is the agreement that you saw posted on the board?

A. Yes, sir, and I read it with the rest of the employees.

Q. (By Trial Examiner McCarthy.) What date was that, the 21st?

Q. (By Mr. Reynolds.) What date does Board's Exhibit 10 bear?

A. The date is the 21st, but I noticed it on the 22nd.

Q. (By Trial Examiner McCarthy.) It was up there—

A. I noticed it on the bulletin board the 22nd.

Q. (By Mr. Reynolds.) You saw that before the meeting?

A. Before the meeting, yes, on the way to the wash room right after quitting hours.

Q. Now you were telling of the conversation there in front of the bulletin board. Was anything more said that you want to tell?

A. Nothing outside of—may I say, there were jokes among ourselves that there is a union unrecognized by the company and nobody knows what sort of a union it is and who are the people who negotiated it with the company, and things like that. That is all. So in that form of 571 joke we dispersed.

Mr. Seyfarth: May I ask who he means by "we"?

A. A group of us employees who were standing there.

Q. (By Mr. Seyfarth.) Name them.

Trial Examiner McCarthy: You will have a chance to cross-examine.

Q. (By Mr. Reynolds.) Then did you go to the meeting thereafter?

A. Well, first after I walked out from the shop I took a walk to that restaurant at Wentworth and 39th where I usually would stop for coffee or sandwiches before I boarded the car. Then I went and read these two copies of Constitution and By-Laws, whatever it is, of Independent Union of Craftsmen, and invitation card. In the meantime certain employees that I could recollect as employees, one of them came to me and handed over to me the application card for membership in the Independent Union of Craftsmen in that particular restaurant. So I took them and read all these things over to see what it is all about. Then when I was through with the reading I convinced myself that I also should go there, because this proved to me that there is something going on down

there which also concerns me as an employee of Link Belt. Besides, I noticed in this document various points which were not clear to me, and I had in mind to go there to 572 ask a question to be clarified. So I boarded a car, and instead of going home boarded a car toward the meeting, and I went to meeting.

I arrived there, I think it was about six or six-fifteen, six-thirty, something like that—I am not exact on the time. At any rate the meeting was already going on when I came in the hall.

So I selected seat on the extreme left of the hall because it was close to window, and coming from the foundry I needed a little fresh air.

Well, I sit down and was listening to speaker. At that particular moment the speaker held up I think it was his right hand—

Q. (By Trial Examiner McCarthy.) Who was the speaker?

A. At that time I didn't know his name, but I was told it was Mr. Wham, something like that. He was a kind of a tall gray-haired fellow, and he read from that particular small book. It was a thin book having flexible covers. So I tried to pay my attention what he is reading, and I understood because he was mentioning to that effect that it is the Wagner Labor Act law he was reading.

Q. Is that what he was reading?

A. Yes.

Q. You understood that is what he was reading?

A. Yes. And when he was through with the reading then he gives his own explanation about the meaning 573 of it, and I understood at that time, to the best of my recollection, in the following order:

He said that after the Supreme Court upheld the Wagner Labor Act law that the company cannot any more support you fellows, meaning us employees, directly financially, but, he said, probably arrangements can be made, then he proceeded on and said "You fellows got to do something to organize yourselves, because John L. Lewis has trained men, organizers who will come into our plant and will organize you fellows. You see what is taking place around the country, strikes; you will lose the money and things like that."

Of course I want to go on the record also that there was a commotion, you see, it was very hard to get the complete—everything he said there.

So then when he was through with his speech, in addi-

tion to reading, he got hold of the Constitution and By-laws of the Independent Union and then read it.

When he was through with that reading of that document then he proposed it for adoption as it was read there. Of course when he was through and put the proposal to adopt this document or constitution and by-laws as he read it, then many many people jumped up from the chairs and demanded questions and discussions before anything else should be done there, even before putting the proposal, something like that.

There were also demands from the floor why there is no secretary, recording secretary to take the records of proceedings.

And many questions as to the document, various things that were read from that document. Well, some people here and there would be granted permission to ask, and other ones would be denied.

I was one myself who had the questions to ask, three of them at least, that were in my mind that I wanted to be clear on, and I made an effort, I think about three or four times to get—to be recognized by the chair to ask the questions.

So finally I stood up and didn't want to sit down. I raised my hand up and hold it like that until the chairman was somewhat forced to give me permission to ask a question; I mean forced in the sense he couldn't get rid of me because I insisted. Then I got the floor and I asked the questions.

575 The first question was from that particular document, the constitution and by-laws, as to why they should have—

Trial Examiner McCarthy: That is Board's Exhibit No. 15?

Mr. Reynolds: That is Board's Exhibit 16.

Trial Examiner McCarthy: 16?

Mr. Reynolds: Yes.

A. I asked the question why there should be a division of us workers into, I believe, a plant membership and individual memberships; That I would like to have that stated and explained to me. Of course I also mentioned that we should have a union where everybody in the plant would belong, you know, into one union.

And the second question was from that card, application card, membership card, application for membership in the Independent Union of Craftsmen, why—

Trial Examiner McCarthy: Is that Board's Exhibit No. 13?

Mr. Reynolds: I believe it is. It is a white card that was introduced here.

Trial Examiner McCarthy: Referring to Board's Exhibit No. 13.

A. The application for membership card.

Mr. Reynolds: Go ahead.

A. There was particularly one sentence there or paragraph, as I understand it, which requires for anyone 576 that signed that particular application to repudiate all their former signatures they signed authorizing anyone from outside to represent him.

Q. (By Mr. Reynolds.) Now, Mr. Bozurich, which line on this card are you referring to on Board's Exhibit 13?

A. Oh yes, here it is. I refer to the following line: "I hereby revoke any and all authorization heretofore given by me designating any other person or organization to act as my representative for the purpose aforesaid."

I read it also at the meeting. That was the second question I asked.

Q. (By Trial Examiner McCarthy.) What did you ask about it?

A. I wanted to know why should they demand from us to sign this application which takes all our previous rights from us. I understood that whatever you signed before with any other organization it takes your rights away and gives them to somebody else. I didn't know what it was all about, so I wanted to get it clear why they demand from us to sign such a card with such a demand on it.

The third question I didn't have a chance to ask, but I had in mind to ask it later on.

Q. You didn't ask it, though?

A. The third one, no.

Trial Examiner McCarthy: All right.

Mr. Reynolds: Don't say what it was then.

577 A. Yes. Well when I was through with my questions—

Q. (By Trial Examiner McCarthy.) Did they give you answers on those?

A. I will come to that.

Trial Examiner McCarthy: All right.

A. When I was through with my questions, from the extreme right of the hall there were several voices, I could judge about seven or eight, something like that "Throw him out, he is a C. I. O. man". Well, I was kind of afraid

probably I will be thrown out, but an overwhelming majority of employes present there, or those who were present there with their silence, I understood that they are not following those who want to throw me out. So I think a few seconds after that the chairman of that meeting tried to quiet those particular people who raised their voice to "Throw him out, he is a C. I. O. man," or something like that, I don't know; then there was again a commotion, you see, and when I was through with my questions again a good portion of the people present there demanded again answers to the questions, those that I put up, that I asked the speaker.

Q. (By Mr. Seyfarth.) You say others asked those or you asked them?

Trial Examiner McCarthy: Just a minute. You will get that on cross-examination.

A. And they also again demanded—

578 Mr. Seyfarth: Mr. Examiner, could I have that answer read? I would like to get it—

Trial Examiner McCarthy: Will you read the answer. (Answer read.)

A. And there was also quite a number of voices demanding a right procedure to be followed in the meeting; that is, give the people a chance to ask the questions and answer the questions, and also demanded to have a secretary there to record—take notes of motions, amendments, or whatever it might be. To these demands for a recording secretary, I distinctly understood and heard the chairman—I don't know his name—he answered, "Oh, no, we cannot have an official record taken here." Now he didn't say why, but simply said "we cannot have an official record taken here." Then again there was continued commotion, and I also then later on stood up and insisted to get answers on my questions. So before I got the answers to my questions the Chairman stood up and said, "We will go ahead and vote on that constitution and by-laws," which was proposed by speaker, and the voices I heard there, many of them, and people began to jump up out of their chairs demanding no vote before discussion and regular procedure, things like that. So the chairman went on and said, "All those in favor stand up" Well a small portion of the crowd got up to vote. But at the same time I noticed a considerable part of those people who were
579 standing up also stand up to raise their voices in opposition to go ahead with the vote before there would be discussion and other things ratified there. Well

I heard the chairman say "Motion carried", and that was all. And I think I said, "Not yet," and other people began to say, "no, no, not yet." So I couldn't get an answer; and other people also demanded, you know, and pounding of the chairs. Some of them would stand up on the chairs demanding, you know, discussion, and all those sort of things, of questions. And then the chairman in that commotion also asked me questions. He said, "I want to know if this particular gentleman who asked the questions from the floor, if he can identify himself as Link Belt employe." Well I stand up and said, "Yes, I am working for Link Belt for one year." It was approximately one year at that time I was working for Link Belt and as a molder in the foundry. And I said, "If you don't believe me, here is my timekeeper." My timekeeper was in the next row right behind me—"You can ask him." So my timekeeper got up and said "Paul is all right," to prove that I am an employe there. Well of course there was laughing there and things like that, and I believe it was Mr. Fred Johnson, I believe he was the one, who a few minutes after that question by the chairman to me, and my answer to his satisfaction, I suppose—oh yes, he said when I answered to him—pardon me—he said, "That is all I want to know." When I identified myself as an employe 580 of Link Belt, then Mr. Fred Johnson got up and said it is right to ask the chairman why he is asking me whether I am an employe of Link Belt, and he said, "Can you prove to me that the speaker of this meeting is an employe of Link Belt?" So then there started a little conversation between the chairman and Mr. Fred Johnson. Well at that particular moment, approximately, the chairman got up and said due to the commotion and demands of the people for discussion and minutes and other things, then the chairman says, "Well we can't do nothing any more tonight; we will have to call off the meeting and call another meeting." So he simply adjourned the meeting, and that was the end of the meeting, to the best of my recollection.

Q. (By Mr. Reynolds.) Now, Mr. Bazurich, did you see anybody present at that meeting that you recognized as a supervisory employe of the company?

A. The foreman, he was right in the next row to me.

Q. (By Trial Examiner McCarthy.) Who was that?

A. It was a foreman on the side floor, a man by the name of Siskauski.

Trial Examiner McCarthy: S-i-s-k-a-u-s-k-i.

A. He was there and I noticed him when he was standing up during the vote for that particular constitution.

Q. (By Mr. Reynolds.) He was one that stood?

A. Yes, while they were motioning to adopt that 581 constitution and by-laws; and there was also, I think, Mr. Kreske, but he wasn't a foreman; he was in the office.

Q. (By Trial Examiner McCarthy.) Office clerk?

A. Yes.

Q. Did you see any other foreman there?

A. No, I couldn't say because I was—

Q. Your timekeeper was there. What is his name?

A. I think his name is Russell Erickson. He also voted. By the way, when I see the foreman Splits I was laughing at him, and I think I said to him, "What a vote; what a vote for industrial democracy, the way you handle it," because it is wrong for the foremen to be present.

Trial Examiner McCarthy: You will have to keep your voice up.

Q. (By Mr. Reynolds.) How many employes were there that night at that meeting? Can you give an estimate.

A. Well to the best of my estimate about 350 or thereabouts.

Q. Now—

A. Including, though, the foremen and timekeeper. There were quite a few women there too.

Q. (By Trial Examiner McCarthy.) What do the women do? Are they clerical workers?

A. I suppose. I don't know by their faces where they came from.

Q. But do women work in the shop?

582 A. No, in the office.

Q. In the office?

A. Yes.

Q. (By Mr. Reynolds.) How many did you see from your department, the foundry?

A. None.

Q. None?

A. I saw none there.

Trial Examiner McCarthy: Women?

Mr. Seyfarth: No, employes.

A. Oh, employes.

Q. (By Mr. Reynolds.) Employes?

A. Well, you see I was at the extreme left of the hall,

and I cannot give you an accurate number, but I did recognize Mr. Julius Robinson.

Q. Did you see anyone else?

A. I seen him when he got up after my questions, and demand from chairman to have a secretary and conduct the meeting in an orderly way. And at that time he turned his face towards me and I recognized him because I was working close to him.

Q. (By Trial Examiner McCarthy.) He was just a worker on the floor?

A. At that time, yes.

Q. At that time.

583 A. Molder, yes.

Q. When the chairman asked for a rising vote, how many people out of the three hundred or three hundred and fifty people there stood up?

A. I couldn't give you an exact figure, but I would say about seventy-five or so, most of them in the back row and a few in the front. Approximately it would be that many, or thereabouts.

Q. In other words, seventy-five out of three hundred you think?

A. Yes.

Q. That is about your estimate?

A. Yes. As I said before, among those who stood up were those who stood up to demand no voting and protest against it.

Q. (By Mr. Reynolds.) Now, Mr. Bozurich, was there any discussion about the notice which was posted on the bulletin board that the company had recognized this union which hadn't yet been formed?

Mr. Wham: I object to the form of the question.

Trial Examiner McCarthy: Isn't that correct? The witness testified that he saw Board's Exhibit No. 10, being an agreement dated April 21, 1937, and the witness testified he saw it on the board the following day in the afternoon, and that evening he went to the meeting he was discussing.

584 Mr. Wham: I know, but counsel for the Board is assuming a fact and assuming a conclusion in the question.

Trial Examiner McCarthy: As I understand, the witness' testimony is to the effect they were at this meeting, which he has described; they were to vote on the adoption of a constitution and by-laws. That was the witness' understanding and I assume that that is—

Mr. Wham: What I am trying to get at is this: I would like to see the Board bring out the facts and not form questions in such a way as to ask for conclusions or have a conclusion in the question itself.

Trial Examiner McCarthy: You may proceed.

A. What is the question.

Trial Examiner McCarthy: Read the question.

(Question read.)

Q. (By Trial Examiner McCarthy.) Do you understand what it means?

A. Yes. No, sir, I didn't notice that. I couldn't say. I didn't notice that.

Q. (By Mr. Reynolds.) You didn't hear any such discussion?

A. No. It was due to the commotion.

Trial Examiner McCarthy: Maybe it never took place.

A. I didn't see that, because I was paying good attention to the things that was going on.

Q. (By Mr. Reynolds.) Did you stay until the 585 meeting was over?

A. Yes, sir.

Q. And did you attend any other meetings of the Independent Union?

A. Yes, sir.

Q. What was the date?

A. I believe it was about June 1, 1937. I believe it was about June 1st.

Q. And what did you do on that day?

A. Well also there was a distribution of these invitations to that meeting.

Mr. Seyfarth: I didn't quite get that.

(Answer read.)

A. (Continuing.) But not among all of the employees, only certain employees would get these particular—invitations for this particular meeting. So one of the employees in that shop gave me a copy, and I took that copy and I went to the meeting. First I went home, then I went to the meeting. Of course I wanted to be present and learn more about it.

Q. (By Trial Examiner McCarthy.) Was that invitation intended for you?

A. The invitation was general, but as I was told, only certain people would get it, you see.

Trial Examiner McCarthy: All right, go ahead.

A. And I went to that meeting. When I walked to 586 the door there I noticed there were uniformed police at the door.

Q. Uniformed police? Does that mean Chicago police, the municipality of the City of Chicago?

A. Sure. And there was also the guard I suppose of that particular union at the door. So I wanted to walk in as usual in the hall, but when I was right in the hall, about a few steps from the door, one of the gentlemen there asked me—he says, “Where do you think you are going?”

Q. One of the gentlemen—was that one of the police officers?

A. No, no, one of the—I suppose a member of that union, whoever it was.

Q. Do you know who it was?

A. I don't know his name. And he asked me, “Where do you think you are going?” I said, “I am going to the meeting.” I showed him that invitation card. He looked around, turned around, and there was another table at the entrance of the door, you see, and there was a man with application cards. He says, “Did you pay your fifty cents?” I says, “Pay for what?” He says, “You can't get in without paying fifty cents to join,” right there at the door, “to join the union, pay fifty cents admission before you can go into the meeting.” “Well,” I said, “I am here and I want to listen, and if I will become convinced that this thing is all right, I will join and pay fifty cents.” I say, “I wouldn't pay before I am 587 convinced that this is all right.” Then he turned me around like that (indicating) and he says “Go out,” he says, “before—you caused us a lot of trouble at the last meeting.” So I walked out. That is all I can do because they won't let you go in. That is all. Then I stood outside for a while, then I walked home.

Q. Did you see Fred Johnson there?

A. Yes, sir, he was there too; and I think another fellow was there by the name of Bjork, something like that.

Q. Bjork?

A. Yes.

Q. Wouldn't they let him in either?

A. No, neither one of us.

Q. What is his name—B-j-o-r-k?

A. I think so, yes, that is right. Of course may I add

to it that Mr. Johnson, Fred Johnson asked the officer there to go in and find out what it is all about that they are not permitted in; that is, he asked him why we were not permitted in. He said, "We are Link Belt employes, this is a Link Belt employes meeting, and we certainly would like to be present at that meeting." So I think that the officer went in and came out and he said "Well I can't help you boys, you are not allowed to come in." He says something like that. That was all as far as I can remember.

Q. (By Mr. Reynolds.) Now after the meeting in 588 April of the Independent Union did you hear any foreman or supervisory official make any remarks or any reference to the C. I. O. union?

A. Oh yes.

Q. (By Trial Examiner McCarthy.) Who was it?

A. Siskauski.

Q. Splits?

A. Splits, that is right, we will call him Splits. It was I believe on April 27th or, thereabouts—

Q. 1937?

A. 1937. I walked to the foundry from restaurant, and as I walked to the foundry there was a group of employes sitting there in the lunch hour and Mr. Splits was part of them. So I stopped there and said "What is the conversation about, boys, is it about the Independent Union of Craftsmen, C. I. O. or anything else?" Then Mr. Splits immediately interrupted—I can't give you his exact words that he said—you must excuse me now—he said, "Shit on the C. I. O." I said, "What did you say, young man?" I said "You are a foreman, and because of that a company man, and you are supposed not to take sides with either union," I said, "You are supposed to be a neutral." And I said, "For those remarks I could report you to the government Labor Board because you interfere with our work with the union." Then he tried to excuse himself. He says, "Oh, I didn't mean to 589 shit on this and that." They were laughing at that time. Then I reminded him that he should be a little more careful. At the same time another foreman was standing by and instantly he approved my stand and he says I was right, that he had no business to but in.

Q. Who was the other foreman?

A. Well I know him as Joe—I mean Charley on the sprocket floor.

Q. Charley what?

A. I don't know his last name, but his name is Charley.

Q. (By Mr. Reynolds.) What department is he foreman of?

A. The side floor, the sprocket floor, molding floor.

Q. What further was said there by you?

A. Well I walked away then. And the same day, afternoon, also the same fellow Splits came to me. It was about, I think about around three o'clock, during the working hours, and he tried to apologize to me for his remarks during the lunch hour. And I told him, I says, "Don't be afraid, I am not that type of fellow to report you to the Labor Board, but" I said, "you shouldn't interfere with the employes' union." Then he went on with his remarks, and thanked me for being so kind, and then he went on with remarks that it would be very bad if C. I. O. would come into the shop. And I said, "What would be bad about it?" I said, "If the workers want it who can stop them?" "Well," he said, "if C. I. O. comes in the company will close the plant." He said, "You see 590 during the depression it was hard to be without a job." I said, "Company can't lock—close the shop because of the union." I says, "That would be considered as a lock-out." And he said, "Who can stop them?" "Well," I said, "the government." He said, "The company runs the plant and not the government." I said, "There is such a thing as government Labor Board here who takes care of those members," and I believe I referred him to—well, to be exact, I read in the paper about a certain company somewhere in New York or New Jersey that due to C. I. O. activities closed their plant and moved the machinery out, things like that, to get away from the union. So I call his attention to that, to the best of my recollection from the newspaper, that the Labor Board takes action; they got company to put machinery back. At least that is the way I understood it so the illustration to him is that we are not afraid of that kind. Then he twisted his lips and said "Oh," he says, "you better keep away from something like that," he says, "and if you want anything it is best to go to boss yourself."

Q. Go to who?

A. The boss.

Q. Who is that?

A. To my boss, that I should go to my boss myself if I want anything. I said, "I am here almost a year

and they never took into consideration to increase my wages on the basis of my work, things like that," I says, "and" I says, "from now on we will try all of us going together." So that was the end of the conversation.

Q. (By Mr. Reynolds.) Now did you ever hear any other supervisory officer of the company or foreman make any remarks about C. I. O. or about unionism?

A. To me?

Q. To you or indirectly in your hearing?

A. Yes. You see it was once during the lunch hour I myself and I think two other employes went with C. I. O. application cards around the foundry to solicit members. That was during the lunch hour, and we got together at the cupola, the furnace where they melt the pig iron and there was there a crane man there, one fellow—

Q. (By Trial Examiner McCarthy.) A crane man?

A. Yes. And I want to sign him to the C. I. O., and he was ready to sign. I offered him if he wants to, and he says, "All right," he says "I heard about it," he says, "All right, I will sign it." So he had already the card in his hand, you see, and from somewhere, I don't know where from, Mr. Skeets came, Mr. Fred Skeets, foundry superintendent. There was a bunch who was there. Then he came and tried to look in the hand of—at the cards that we had in our hands. Of course Marko was the fellow who was also with me having a bunch of cards in his hand.

592 I had mine, so I turned them so he can't read it and this same fellow that we were about having his application, when Skeets came he folded his card and put it in his cap and says, "I will see you later on." So when Mr. Skeets came in, that was that time when he came there and I believe Mr. Marko was there too. Then he came there to us and he says, "How are you doing, fellows?" Well, Mr. Marko answered and said "Pretty good." And in the form of a joke Mr. Marko said, referring to another crane operator there by the name of Frank Kolar, he said, "Fred, put a word for this fellow in"; in other words, encourage him. I think that was the joke. And Skeets just turned around and said "Shit on that stuff." And this fellow we were referring to—Marko was referring to, give him a cigar and went away. That was one occasion.

Well it was once again—I do not know exactly the date, but it was next day following that, after the mass meeting which was organized or arranged, rather, by C. I. O. in

the city for John L. Lewis—that was, I believe, in the fall some time—right the next day, the following day we just started to work, probably one hour from the time we start to work, Mr. Olson, my foreman, and general foreman in the foundry, he came to me there and joking, things like that, and he said, “Ugh, there is your John L. Lewis,” he says “Where was he last night?” referring to the fact that John L. Lewis did not appear at that meeting to 593 speak at that meeting. I don’t know why, but he wasn’t at that meeting. He said, “That shows that he don’t care for you fellows, but only looks for your money.” And I said, “I don’t know about that.” So Mr. Olson tried to continue the conversation, but I went on with my work, and said, “I don’t know nothing about that.” And that was the end of it.

Q. Now do you remember anything that happened on November 9, 1937?

Trial Examiner McCarthy: That was the day he was discharged?

Mr. Reynolds: Yes.

A. Yes. It was about 11 o’clock in the morning, of course during the working hours. Mr. Russell Erickson, the timekeeper, the foundry timekeeper, our timekeeper came to me and asked me for to turn over to him all the labor cards, these reports on the job done so far. You see, the labor cards is the number of jobs we would get to work on, and quantity of jobs and things like that. We have to report on that, what was done. And he asked me to turn them over to him with a report on the job done so far on that particular day. Well I asked him—I says, “What is that all about?” He says, “Am I giving you fellows a chance to kick me?” He says, “You have to see Skeets about it.” I let it go at that. I turned the cards over to him.

Q. (By Trial Examiner McCarthy.) You say 594 Skeets. That is Fred Skeets?

A. Yes. He told me to see Fred Skeets about it. So he went away, and during the lunch hour of course I began to feel that I will be discharged, or whatever you might call it, and I went to see some of our fellows in the plant to notify them that I am going and that they should not lose the spirit, their union spirit. And I also went to see Mr. Julius Robinson, known as the plant steward for the Independent Union of Craftsmen, and I told him the story too. Well he answered to me. He said, “Paul, I don’t care very much about other fellows, but” he said, “I

hate to see you go." Then he said, "They are going to cut you fellows' heads off, then there will be a lot of heads going down here as far as we are concerned too." He said, "We are too much." Then he asked me—he said "Why did they want complete reports from you?" I said, "I don't know, that is a matter of record to show that that particular day what amount of jobs I put up." Then he says, "I know, they want to pile up on you something in case if they need it." I said, "There is nothing to pile up on me because no one complained about my work before, and it was all right."

Q. Did you say Robinson was known as the shop steward for the Craftsmen?

A. Yes, sir. So about around, I believe, two-thirty or three o'clock in the afternoon Mr. Fred Skeets, foundry superintendent, came to me and he had a little slip of paper in his hand with two names and check numbers on that slip. I just remember they were written with hand. Then he came to me and said, "Paul, I am sorry that due to slack times," he says, "not much work now to do, I will have to lay you off." He said, "I hate to do it, but" he said "my boss—it is an order of my boss to reduce the force in your department, and" he said "you and"—referring to another fellow there on the slip—"you and this fellow here, Gus," a molder also, "are the youngest in your department here, and" he says, "You are the one to be laid off first." Well I said to him then, I said, "What about other fellows?" I said, and pointed out the side floor and bench floor, I said, "You see, Fred, you see you shall follow this in order." I said, "Is there anything wrong with my job?"

Q. Wasn't he following seniority when he said you and Gus were the youngest men in your department?

A. I will come to that. So I asked him—in the meantime I says was there anything wrong with my job. He says, "There is nothing wrong with your job, Paul," he said, "Your job was to the fullest requirements and satisfaction to me, but my order is to reduce the force in your department, and" he said, "you two fellows are the youngest, and I have to let you go." So I pointed out to him—oh yes, then I said, "Well, listen, Bill, how is it now you consider my floor where I work, you consider it a foundry department?" I said, "You know that the foundry as a whole is considered as a department." I said, "For the sake of argument I will admit to you that there

is another distinction of work in the foundry between core makers, molders and chippers, you know; but" I said, "I never knew of dividing the molding floor into so many departments." "Well," he said, "that is my order from my boss," he says, "I can't help that." Then he added to it and he says "Every foreman is considered operating a department." Well I said to him, "You know," I said, "if you haven't got no work for me on this floor, because I am here over many of those employes on the side floor and bench floor, why don't you shift me over there?" And I says "Lay off those fellows who are very much younger fellows than I am and" I says "also you know many of them they are not molders, they are just try to learn the practice." I says, "So far as quality is concerned of work, I can turn out work out, do all the class of work." And I said again, "What about the steel floor?" At that time I was working on the gray iron floor. And he said to me, he said, "There is nothing doing," he says "I know you can do work on the steel floor, there is nothing to it, but" he said, "that is considered another department." And I laughed, you know, laughed at it. He says, "Well that is order from my boss" again.

Q. What did he mean by that? Explain that more fully what he meant by that, "That is my order."

597 A. Well he said—that is what he was telling me, that was his order from his big boss.

Q. Who was his big boss?

A. Well, he didn't answer that. I don't know. He said "The big boss." He didn't mention the particular name. He said, "That is the order from my big boss to reduce the force in the department and lay you off," and also "It is an order from the big boss to divide the foundry into so many different departments." Then I pointed out to him, I said, "A short while ago there were a number of young fellows here working on this floor, and" I said, "now prior to this when you laid them off," I said, "you shifted them to another floor." I says "Why did you shift me over there too?"

Trial Examiner McCarthy: Just a minute, Mr. Bozurich. You have been in several of the foundries working since 1916?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Did you ever see that kind of a division before?

A. Sure.

Mr. Reynolds: I don't think he understands that question.

Q. (By Trial Examiner McCarthy.) Do you understand what I mean? In your experience what is the common practice in the steel business, in the foundry business? Is it common to divide the foundry up into a lot of divisions or departments, or is it one department?

598 A. It is one department, you see, but the men who work as molders are just divided according to the size, approximately the size of work they work, because if there is a heavy job to be done there is a floor for that particular kind of work or line of work. If it is small, for the sake of convenience it is usual to have people or molders that work on the squeezers and bench work and things like that, because if you have a big heavy mold next to him there is too much confusion.

Q. But it is all molding work?

A. It is all molding work.

Q. This method of arrangement that Fred Skeets suggested to you, was that a new method?

A. It was a new method in my experience and he didn't want to deny it outside of saying it was an order from his big boss to do so.

Q. (By Mr. Reynolds.) Now can you do all the molding jobs?

A. Absolutely.

Q. Have you done all the molding jobs?

A. I did. To give you an idea, you see when you are molding onto a heavy casting, jobbing work, that is known as a job where the men must be fast and the highest skill possible. And then so far as the smallest work is concerned, you know, in the small standard work it requires less and less experience down to the bench and squeezers.

The biggest job is the most complicated job. It requires more skill in a man to produce that.

599 Q. Now, Mr. Bozurich, did you have any idea of how many men were left there after you were discharged, who had less seniority, who started in among the molders after you did?

A. Yes, there were quite a few there. I cannot recollect exactly their names. But, for example, there was a fellow by the name of Stanley on the bench molding, and there was a Joe, I think, Thomas, also a bench molder.

Q. (By Trial Examiner McCarthy.) Just about how many without giving the names?

A. All right, about eight or nine, as far as I know.

Q. And how many men were in the department?

A. On the molding floor?

Q. Molding floor, I guess that is it.

A. I don't know exactly how many, but there was about—let us say about fifty men.

Q. In other words there were about fifty?

A. Seventy-five, we will say.

Q. And you were junior to all of those fifty men except eight or nine, is that correct? I am trying to find out what your seniority status was, what your position was in relation to all of these workers in the foundry department in your line of work.

A. Well as far as seniority rights is concerned, I considered that I had greater seniority over almost a 600 dozen fellows on the molding floor, if not more.

Q. (By Mr. Reynolds.) Over how many?

A. A dozen.

Q. (By Trial Examiner McCarthy.) How many men were on the molding floor—about fifty, you say?

A. I think it is more than fifty at that time, about fifty, seventy-five, approximately that many,—I wouldn't say—including the entire molding floor, about that many. I never took trouble to count all of them, but approximately that. Maybe more.

Q. (By Mr. Reynolds.) Now did you have any further conversation with Mr. Skeets?

A. Yes, sir.

Trial Examiner McCarthy: Let us have a recess for five minutes.

(Whereupon a short recess was taken.)

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Reynolds.) Mr. Bozurich, what further conversation did you have at the time you were notified that you were through?

A. You mean with Mr. Skeets?

Q. Yes.

A. Well I pointed out to him that he shifted the fellows—I said, "You shifted the fellows you want to hold in the place. Now I am here and," I says, "of course the youngest now, and you will lay me off." I said,

"Why didn't you shift me over there?" He said "You was shifted." I said, "I was, but at the wrong time," because I referred to the fact that I was shifted to three different jobs here.

Q. (By Trial Examiner McCarthy.) What jobs were you shifted to? Just what do you mean by that?

A. You see when I started to work, when I was hired I was placed to work at the southern end of the molding floor, the main floor, see? Then about seven or eight months, approximately, later—

Q. What time was that, about?

A. That was about, I believe, in the beginning of 1937, something like that.

Q. Let's say January, 1937?

A. Approximately.

Q. Yes, approximately.

A. I was shifted to the side floor, but under the same foreman, you see. Then several months after that prior to being laid off—

Q. Who was your foreman?

A. At that time it was Bill Murray, whatever his name is.

Q. Morley?

A. Yes, I had different foremen at different times, and prior to the lay-off, approximately two months, I was again shifted back to the main floor where I started, but on 602 the north end, so I referred to the fact that I was on the side floor but shifted again to the main floor.

Q. Were you doing the same kind of work?

A. The same kind of work.

Q. In all three places?

A. All three places, yes.

Q. That is not quite clear to me how the shifting about resulted in making you the youngest man. Can you explain that in a little more detail? We are not familiar with the operation of the foundry so you will have to be pretty specific.

A. Yes. You see when I was hired, I think it was at the time when there was a pick-up, general pick-up of work out in the plant altogether, see? So when I was put to work on that particular floor they call the main floor—

Q. That is the south end you are talking about now?

A. Yes, I was placed there, but in that particular line, you know, on the main floor there was a man there—most of the old men, we call them, that worked there for years, fifteen, thirteen years, things like that—

Q. In the south end or on the main floor?

A. On the main floor all the time, gray iron main floor—

Q. Gray iron main floor?

A. Yes. Then for an unknown reason to me I was, as

I said, in the beginning of 1937, January, thereabouts, 603 shifted to side floor, but I was working just the same on the same line of work and under the same foreman, just shifted over to another floor. There was place provided for me, and of course I made a number of remarks to foreman that it is a spot—dangerous spot to work, and I asked him to be shifted back to the place where it is not so dangerous. Of course almost any minute you never can tell when a load might bump into you, or the molten metal—

Q. Might overturn?

A. Yes. Actually there is a number of cases. You can't stand there; it burns you up. So I asked to be shifted back to the main floor to avoid this dangerous place to work, and inconvenient otherwise. So prior to the lay-off, you see, then I was again brought back, but at a—

Q. In other words, do I understand this: you started in the south end?

A. Yes, sir.

Q. Then you went to the side floor?

A. Yes, sir.

Q. While you were on the side floor did some new men come in and take your place, or just how does that work? Then when you moved back from the side floor to the main floor how did your seniority rights change?

A. Well it changed in the following sense: If I would remain on the side floor, according to Mr. Skeets' own 604 interpretation of the departmentalization, then he had to reduce the force in that particular department where I was, but I worked first on the main floor, and if I would remain on the side floor all the forces that would have to be reduced on the main floor would be the other fellows who were working on that floor there less time than I was. They would be laid off and naturally I would remain on the job. But I was brought back again to the floor and then the other fellows were shifted, you know, the other younger fellows they were shifted to the side floor when I was pulled back to the main floor, and then I remained.

Q. In other words, your coming back from the side floor onto the main floor, you were the youngest man on the main floor at that time?

A. At that time.

Q. I think I see.

A. But the other fellows were shifted over to the side prior to that. So then I says, "You shifted me before at the wrong time."

Q. What time do you refer to? What time do you mean they shifted you at the wrong time?

A. I mean prior to the layoff.

Q. In January—

A. Altogether, you know, all this shifting around. I says "You shifted me around, but at the wrong time, 605 prior to the layoff. Now when you will shift me out I will go altogether out." And he says, "I can't help that." Then when I couldn't convince him, according to seniority rights, and judging by the quality of work I can produce in comparison with those fellows who had less seniority rights and less ability to work, and there was no complaint, by his own admission, to the work I produced, I claimed the right that I should have a break. I said, "Why don't you give all of us fellows a break?" He said, "What do you mean?" I said, "Divide the work hours and the jobs; use this fellow so many hours and the other fellow so many hours." He didn't say nothing to that. So I again asked him, I says, "Well," I says, "Fred, between you and me, is that because I am an active C. I. O. man in the plant?" He said "That hasn't got nothing to do with that." "Well," if that is so, "how do you explain this fact that you are laying me off now and the other fellows are on the job?" Then he said, "Well," he said, "between you and me, we are speaking confidentially as friends," he said, "sooner or later one of the unions will come in, either American Federation of Labor, C. I. O. or Independent union, and I would have to deal with one of these people." Then he said "If I would have my way," he said, "I would rather fire,"—excuse me for expressing it—"those suckers," referring to the southern end of the foundry—he said "I would rather fire some of those 606 suckers down there." What he meant by that I don't know. He didn't go into that. Then of course I again raised the question of seniority rights, and he concluded and said, "I can't help it," he said, "That is the order to me from my big boss; that is all I can do, but," he said, "I will be glad to hire you back as soon as jobs pick up."

Q. Who was Skeets big boss?

A. I don't know. He didn't mention that. Well he is foundry superintendent so I suppose president; he is over the plant, or general manager.

Q. Who is the general manager?

A. Or assistant manager, or something. I don't know exactly. I didn't go into that. Then I asked him, "How soon I can expect to be put back to work?" "Well,"

said smiling, he said, "Well maybe within a week, maybe next month, maybe next year," he says, "who knows?" Then he look at his time like that. He said "It is getting late," he says, "you don't have to work up to the very last hour. Your money will be waiting for you at Stanley's office," the employment manager's office. He says, "You can go a little earlier and wash yourself, and on the way out stop at the employment office and get your money." That was the end of it.

So of course I might add also this, that on my way home I walked to Stanley's office, the employment office, and I walked into Stanley's office and I says "Here I am". 607 Stanley pulled a drawer out and pick up my envelope; that is, pay envelope with slip there to be signed of course, that I received it. So Mr. Stanley asked me—he said—

Q. (By Mr. Reynolds.) Is this Mr. Staskey you are talking about?

A. Yes, Mr. Stanley Staskey, yes. He asked me—he says, "Are you at the same address?" and I said, "Yes, and I will be." "Well," he said, "in case if things pick up," he says, "we will call you back." By the way, at the same time Mr. Berry was there too.

Q. (By Trial Examiner McCarthy.) In Stanley's office?

A. Yes, across the table there. So I immediately made the following remarks: I says to Mr. Berry, I said, "You had no business to lay me off," I said, "You should follow seniority rights." Then Mr. Berry raised his hand and said, "Oh, we follow seniority rights." I said, "The hell you do." I said, "Look at all the fellows in the place in the foundry while I am out." Then Mr. Stanley Staskey says, "Didn't Skeets explain to you everything?" I says, "He told me certain things, but that was not an explanation." In other words he did tell me, but he didn't explain to me. So I pick up my money and went home. That was the last day.

Q. (By Mr. Reynolds.) Were you called back to work at any time after that?

A. No, sir.

608 Q. Did you go back to the plant at any time to see about going back to work?

A. Yes, on a number of occasions I went to see Mr. Berry. On the first occasion, I think it was approximately about November 22nd or 23rd, something like that, in that way. Our union grievance committee, C. I. O. union grievance committee took me to Mr. Berry's office to complain

to Mr. Berry about my being laid off and some other fellows disregarding the seniority rights. That was the first occasion when the committee took me there on my behalf and other fellows too. Louie Salmons, our president, was the spokesman for our committee at that time.

Q. What took place?

A. Well, to my recollection at that meeting, they came into Mr. Berry's office, and Mr. Salmons told him that we came there to submit our complaints that the C. I. O. fellows are laid off, disregarding seniority rights, and I think Mr. Berry answered that the company—the management is following the seniority rights, and then that he wouldn't have nothing to do with us as a C. I. O. group there who came down there. So Mr. Salmons said, "You don't recognize our group, our union?" And Mr. Berry said, "No. I won't have nothing to do with you fellows." Well, we walked out. Approximately that is all that took place there.

Q. Did you go back again later?

609 A. What?

Q. Did you go back later?

A. Yes, sir. Then the second time I went on my own initiative without any committee. I went myself there to Mr. Berry. I think it was about December 29th, approximately thereabouts. I went to Mr. Berry's office, and we were alone in that office, outside of the fact the doors were open, and when I closed that there was another gentleman sitting there at the table. I don't know who it was. So Mr. Berry said—well, you know, in other words—"What did you come here for?" I said, "Mr. Berry, I came here to ask you to put me back to work on my job." "Well," he said, "we haven't got nothing to do; we will still have to lay the men off." "Well," I said, "I heard that the man, the molder who was laid off with me by the name Gus," I said, "he has much less seniority rights than I have and much less molding ability than I have actually, because he just started to practice," and I said, "You know I know the job well; that is my line of work since 1916," I said, "and I heard he is back to work already," I said, "I think I am entitled to be put back to work before he is, he having much less seniority." But Mr. Berry started to mark it down, and he says, "Do you know his name?" "I know his name is Gus." So I asked Mr. Berry, "Is there anything wrong in my record with the company?" He said, "Paul, there is nothing wrong with your record in
610 the company," he said. He said as soon as jobs will pick up I will be back. Then again I referred to the

fact that there were fellows with less seniority rights on the job, and this man who was laid off with me, he is back already on the job, I think the next week or so, and I says, "How do you explain that?"

And I also said, "Well," I says, "that probably I made a mistake because I was very frank in the plant, you know, for my union, talking to the fellows and things like that."

Mr. Berry denied that has anything to do with that. He said, "For Christ sake," he says, "I hope all would be as frank as you are." So again I called his attention, you know, to this fact, that the fellow was put back to work and other fellows are working there with less seniority rights, less ability to work. Then he said, "Paul," he says, "straighten up your facts right."

I says, "Mr. Berry, I am not here for the facts that you have in mind." "Well," he says, "I have experience with those people," he says, "I know."

Then I says, "I am interested to get my job back, I am not interested in any other facts." That is my own opinion, probably Mr. Berry thought I was trying to get something, so I said, "Here, I am not here for the facts, but I want my job." Then he said, "Christ," he says, "apparently you are not here for facts."

Well then he told me that if I am interested, to come 611 around, see?

Q. (By Trial Examiner McCarthy.) You were already there.

A. No, again, to come back again, and I told him sure I am interested in it. He said, "Paul, if you are interested, come around"; meaning come around again. So I says, "All right, I will be back again." And then it was about in the middle of January I went again, and at that time Mr. Berry was not in the office building; at least his switchboard operator told me that Mr. Berry is in the plant. So I took a seat right in the lobby to the office and was waiting there. Then Mr. Berry came in and took a seat at the table. I was sitting on the chair. I says, "Mr. Berry, it is the same old story; I came here to ask for my job back—

Trial Examiner McCarthy: Keep your voice up.

A. —and Mr. Berry simply said, "Not a chance."

Q. (By Mr. Reynolds.) Is that all the conversation you had?

A. And he added to it that they would still have to lay men off. And I think he also mentioned there that they didn't sold any castings and other work; that there is no

work. Well then I walked out. That was the last time I asked any one about the job, because it was useless.

Q. Have you spoken to him since that time?

A. Yes.

Q. When?

A. That was, I think, on the 3rd of this month, but 612 that was another occasion. That time I was distributing leaflets or handbills inviting the employees to our union meeting. I distributed these handbills at the front of the gate, at the main gate. So while I was distributing the handbills, Mr. Berry walked across the street from the office building toward me where I was distributing these leaflets and he says, "What the hell are you doing here?" And I handed to him a leaflet. I said, "Take a look."

So he took that leaflet and he laughed and he said, "What is this going to be, a menstruation meeting?"

And I said—I went on with my work and I said, "It remains to be seen."

I passed the handbills to the employees. So a minute or so later he said, "Would you let me in?" meaning to the meeting.

I said, "Oh," I said, "we are quite liberal minded people; we might let you in but we ask you first what the hell you want to do."

Then later on he walked through the gate into the plant, or wherever he went, I don't know, then again turned back and says, "Would you let me in in the meeting?" There was a bunch of employees there.

I said, "We will let you in but we will ask you what the hell you want there."

Q. (By Trial Examiner McCarty.) Ordinarily the 613 bosses aren't eligible for membership in a union, are they?

A. Not in our union.

Q. What else happened? Any other thing that is pertinent to your discharge?

A. That was all.

Q. (By Mr. Reynolds.) Now, Mr. Bozovich, how much money were you making at the time of your discharge?

A. You mean hourly rate or weekly or—

Q. Yes, what was your hourly rate, and how much did you customarily make a week?

A. For 45 hours I would average approximately \$29 a week. That would give you an average of 62 or 65 cents, I don't know exactly, an hour, at that time, but of course

that was in the very late months when I was discharged, but there was a gradual increase.

Q. (By Trial Examiner McCarthy.) How much did you get when you started?

A. I think it was about fifty cents an hour.

Q. Fifty cents, then they raised you to sixty-five?

A. It went to about sixty or sixty-five.

Q. Sixty or sixty-five?

A. Yes, something like that.

Q. (By Mr. Reynolds.) Since you were discharged on November 9th have you had any other work?

A. No, sir. I tried but I can't locate any.

614 Q. You have applied at several places?

A. Oh, yes. I even went to the extent—to the State Employment office and tried to get something there. I could not get anything.

Q. How have you been getting along? I mean, how have you been living since then?

A. Well, I had a few dollars saved, so I did the best I could, and it lasted about three months. I haven't paid any rent to the landlady. I still owe the rent. And about March 8th, I believe, I was put on relief. I applied for relief about two weeks prior to that. I was put on relief and I am on relief now with the promise that I might get a W. P. A. job.

Q. Now, Mr. Bozurich, would you like to have your job back?

A. Absolutely, I will do my best effort to get it.

Q. Now during the course of your employment at the Link Belt Company after the Independent Union was recognized did you ever observe activities of that union as far as the collection of dues?

A. Absolutely yes.

Q. Who did you ever see performing that function?

A. Well, as I stated before, it was a Mr. Kovach, then also a Mr. Russell Erickson.

Q. Did either of these two men ever ask you for any dues for the Independent Union?

615 A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Were you a member of that Independent Union?

A. No.

Q. Collections about what?

Mr. Reynolds: I was asking him if anybody asked him to pay money in the Independent Union.

Q. (By Trial Examiner McCarthy.) As I understand you to say, Kovach and Erickson asked you?

A. To join.

Q. He is asking about collections.

A. And also collection of dues.

Q. Why would they ask to collect dues if you didn't belong.

A. I will come to that. I think it was around about the 26th or 27th of April—

Q. What year?

A. 1937, outside of Mr. Kovach and Mr. Skeets, Russell Erickson, the timekeeper, he came to me with a narrow strip of paper with employee's check numbers on that particular strip of paper, and he came there and rolled it up and said "Well, Paul, there is your number too, you are to sign." I says, "Sign for what?"

He said, "For joining Independent Union of Craftsmen."

I said, "I don't want to join a union that tried to throw me out and even won't let them explain the things that
616 I was asking at the meeting, and things like that."

Then he said, "Well if you know what is good for you, you better sign."

"Well," I said, "what do you mean by 'good for you'?"

He says, "You know what is going to happen to you fellows."

So I turned him down. I said, "No, I won't sign." Then I think it was after June 1st; it was about June 2nd or 3rd, 1937, again Mr. Russell Erickson came to me during the working hours also and insisted that I should pay fifty cents. I said, "For what?"

He said, "For initiation to join the Independent Union."

I said, "I told you once I don't want to join." And I also added, I says, "What is the big idea?" I said, "You go around the plant with that strip of paper, check numbers, and force the people to sign, and you know damn well that the people," meaning employes, "here don't want that union; they know that it is company union."

He said—excuse my expression—he said, "Fuck the people; what does the company care what the people think? The company wants to show to the government that it has a majority of employes." He said, "It is the company that gives you the job and not the government or the Labor Board," along that line.

Mr. Seyfarth: May it please the Examiner, I would like to object to this testimony as highly improper and immaterial.

617 Trial Examiner McCarthy: It is very material, and it is what Erickson, the timekeeper said. You may proceed.

Mr. Seyfarth: It tends toward letting this witness try to argue the case from the witness stand.

Mr. Reynolds: I don't think so, if the Examiner please. He is telling what Erickson said.

Trial Examiner McCarthy: You can put him on and he can give his side of the story.

A. So we had a little argument there about it. He tried to force me to sign, and I gave him my idea about it. And there was a bunch of employees there around us too, who heard our conversation.

Q. (By Mr. Reynolds.) Do you remember who any of them were?

A. I don't know their full names, but I know there was Louie Spegel, he was there I know. Then I think was his helper by the name Joe. Then there was also a fellow by the name, I think, Charlie. He works on big sprockets there. Then there was another young lad. If he would be here I can show you. He is in the plant. Then there was also a fellow by the name of Albert who worked right there next to me. I don't know what his last name is.

Q. Albert?

A. Albert. And then there were a number of other fellows. I didn't took a good look at them. So they were laughing, and Erickson made those remarks, and things like that, and then later on we disbanded and he went away.

Q. (By Trial Examiner McCarthy.) Did you pay him the fifty cents at that time?

A. No, sir, I flatly refused.

Q. (By Mr. Reynolds.) Did anybody else try to collect any money from you at any later time?

A. Yes. Then I think it was before the quitting time, usually at the end of the day's work, the molders, whatever job we would finish, we are supposed to take the patterns back to the place where it is provided for them. And there was Mr. Kovach again waiting for me there at the entrance to the foundry building—office building, and he said, "Paul, come here." He had a little booklet, a note booklet in his hand.

I says, "What do you want?" Of course I already knew what it was. He said, "Don't you want to pay your dues?" I said, "What do you mean, paying the dues?"

He opened up that little book with my name on. He said.

"There is your name," he said, "and you didn't pay the dues so far."

I said, "What is the matter, young man? I never signed for the Independent Union either on the first sheet or the application card," I says, "I never signed. How does it happen you have my name written on the membership list of the Independent Union of Craftsmen?"

"Well," he says, "I don't know who put it there, but there it is," he said, "with the remark 'signed but refused to pay'."

And I says, "I will protest against that." I say, "I demand you strike that out. I don't want my name identified with that."

Q. Who was that that had that?

A. Kovach.

Q. Do you know what time this was about?

A. It was about, I would say three-thirty or four o'clock.

Q. On what day?

A. I think it was the 27th of April, 1937.

Q. (By Mr. Seyfarth.) April, did you say?

A. Yes, April 27th. So I refused. Then he said, "Paul, think it over for yourself," he says, "it is for your own benefit to pay the dues."

Well, I refused. Of course then there was the other fellows too.

Q. (By Mr. Reynolds.) Other fellows asked you for money?

A. Yes.

Q. Who asked you for money in the Independent Union after that?

A. Mr. Julius Robinson.

Q. Now when did he speak to you?

A. Oh, I think it was after the month of June sometime he started to go around, and also came to me and asked me to sign the—

620 Q. (By Trial Examiner McCarthy.) June, 1937?

A. Yes, approximately that time. I don't know exactly the date. So he wanted me to sign it and I told him, I says, "I am not going to sign for Independent Union," and he says, "Why?" He was smiling. And I told him—I said, "You know as well as I do that the Independent Union of Craftsmen," I says, "is the company, and" I says, "I don't want to join that outfit. Besides I have already selected my union."

I mentioned this union definitely. And I says, "I made up my mind the next month after those events took place

when I was almost thrown out from your fellows' meeting, and the second meeting when I was not allowed to go in."

So then thereafter you see Mr. Julius Robinson would try many times to bring me into the Independent Union of Craftsmen.

So then it was, I think, in the month of—I would say in the month of August, 1937, or so—maybe it was early—it was in the fall, he came to me once with the following demand: He said, "Paul, I have got your membership; it is already made," he said "All you have to do is pay your dues."

I said, "How is that that you have my membership in your union when I never signed, not even an application card? How can you have my membership?"

He took his cap off and he says, "Here it is; all you have got to do is pay; give me fifty cents."

621 I said to him, "Listen, Julius," I said, "I don't want to even look at it and I want you fellows to strike me off that list if you have it on. Who forged my name on that?"

He said, "I don't know, but there it is. Do you want to take a look at it?"

I said, "No, I would be even ashamed to look at it." So he put it back and he said, "I will see you later on." That is what it was.

Then thereafter again on so many occasions he really tried hard to bring me into the union and pay the dues.

Q. That is after June, 1937?

A. Yes, sir, right along.

Q. He is a shop steward?

A. Independent Union. He is the shop steward. By the way, he also invited me a number of times to the meetings, so-called. They had parties, beer and sandwiches after they met, and he says, "Pay fifty cents for the initiation and come down, and have beer all you want and sandwiches, and you will get your moneys worth."

Q. Who pays for that?

A. I don't know. But that was the practice of the Independent Union of Craftsmen; after the meeting you had all the beer you wanted, and things like that. So I never bothered to find out who paid for it, and I continually refused him dues.

622 So on one occasion also there was a member—I think his name is Frank Lubenkoe—

Q. How do you spell it?

Mr. Reynolds: L-u-b-e-n-k-o-e?

A. He is known as a student or junior machinist, what-

ever he is. At least he admitted to me that he is practicing to become general manager of the plant some time. So he met me close to the foundry office. That was about—it was after working hours, and he said, "Paul," he says, "do you want to sign to me, at least, if you won't sign to anybody else?"

I said, "Young man by this time all you fellows know that I am strong for C. I. O. and I am not going to sign for that outfit.

Q. (By Trial Examiner McCarthy.) What time was this, about?

A. It was about—after four-thirty.

Q. About what day of the month, what month of the year?

A. It was about the month of May, I think it was, something like that.

Q. 1937?

A. 1937. So I told him, I says, "How is that," I says, "that you are going around?" And he said, "Listen, Paul, don't get mad at me," he said, "I hope the C. I. O. wins," he says, "but you know how it is, I am attending the school of the company."

623 Q. The company's school?

A. Yes. And he said, "If I don't do it I would get a rotten deal, so" he says, "I just go around. I don't care whether you sign or not." And that was that. Then of course was—

Trial Examiner McCarthy: That is enough.

Mr. Reynolds: I believe that is all.

Mr. Seyfarth: Can we have a short recess?

Trial Examiner McCarthy: All right, five minute recess. (Whereupon a short recess was had.)

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Bozurich, your conversation with Frank Lubenkoe was in May of 1937?

A. I think it was in late part of May, something like that.

Q. You refused to sign up with the Independent at his request?

A. Yes, I did.

Q. Did you then talk about the virtues of the C. I. O.?

A. How?

Q. Did you talk about the virtues of the C. I. O. at that time?

A. To him?

Q. Yes.

A. No, outside of the fact that I already made up my mind to stay with C. I. O. and I won't sign.

624 Q. (By Trial Examiner McCarthy.) What the attorney wants to know is did you tell Lubenkoe how good the C. I. O. was?

Q. (By Mr. Seyfarth.) Let me put it another way. Did you speak to Lubenkoe in favor of the C. I. O. or against the C. I. O.?

A. I didn't answer him nothing at all in favor or against, outside of the fact that I made up my mind to stay with C. I. O.

Q. (By Trial Examiner McCarthy.) You told Frank that?

A. Frank Lubenkoe.

Q. (By Mr. Seyfarth.) You were going to stay with C. I. O.?

A. Yes, sir.

Q. In other words, you were with C. I. O. before that time?

A. I joined prior to that time, yes.

Q. You joined prior to that time?

A. Yes.

Q. Didn't you state on your direct examination that you didn't join C. I. O. until May 15, 1937?

A. I meant—I beg your pardon, that was in the middle of March, 1937.

Q. You want to change your original testimony?

A. Oh, yes, I mis-stated it.

Q. (By Trial Examiner McCarthy.) March what? Do you recall the day?

A. I think it was the 13th. I think it was March 625 13th. Yes, I want to correct that. Thank you.

Q. (By Mr. Seyfarth.) So instead of it being May 15th it is now March 13th, 1937, that you joined the C. I. O.?

A. Yes, that was the time when I filled out my application.

Q. Are you now in a position to state, Mr. Bozurich, that you went to the meeting of the Independent and asked questions regarding that organization on the 22nd of April, 1937?

A. Yes, sir.

Q. And at that time you were a member of the C. I. O.?

A. Yes, sir.

Q. What was your purpose in attending the meeting?

A. Well, I signed for—filled out the application for C. I. O., but that is as far as I went. I signed application and turned it in. But yet I didn't see no organization already in effect getting ahold of the plant to be in the plant as a union operating for the help of their employes, and in the meantime another union came in at the same time approximately a little over a month later, and I was interested to see what other union is coming in and there was people invited to go there; that is, the employes. Well that was in the first stage of the days of my application that I turned in to the C. I. O., and I wanted to be clarified on this new union. The impression was that there was another union above the C. I. O. coming in.

Q. Are you now trying to reason why you went 626 to the Independent meeting on April 22, 1937, was to get enlightenment on labor union matters as they existed in the Link Belt plant at that time?

Mr. Reynolds: I object, if the Examiner please, the witness' testimony stands, and whatever it means will show in the record.

Trial Examiner McCarthy: Re-state your question and make it a little more simple.

Q. (By Mr. Seyfarth.) Did you want to derive knowledge of union affairs from the Independent meeting of April 22, 1937?

A. I went there, as I stated before, because this material was handed to me; that is, the proposed constitution and by-laws, and also the application for membership into that union; and as I said, I already signed to join the C. I. O. in that sense, because I turned my application in, but yet then came another union, the drive for another union, and there were certain points which I wanted to clarify to myself as to what sort of union that is that is coming in, who is starting this union again.

Q. What points did you want to clarify in your own mind, may I ask?

Trial Examiner McCarthy: It really doesn't make much difference what his purpose was?

Mr. Seyfarth: I think it is testing the veracity and showing the character of the witness, may it please the 627 Examiner.

Mr. Reynolds: I object to the characteriation.

Trial Examiner McCarthy: He can test his veracity all right, but it seems clear to the Examiner that he was

kind of feeling his way along there for a little while, according to my notes.

Mr. Seyfarth: He was feeling his way along to the extent that he got into the meeting and asked some very pertinent questions which seems to indicate he knew what it was all about.

Trial Examiner McCarthy: That is obvious from his testimony, but he was eligible for membership in the Craftsmen's union, was he not?

Mr. Seyfarth: Yes.

Trial Examiner McCarthy: I think the Examiner will sustain the objection.

Q. (By Mr. Seyfarth.) Did you feel, Mr. Bozurich, that you could be clarified by asking a question at the Independent Union why it was that the Union was taking the man's rights away?

Trial Examiner McCarthy: Are you referring to Board's Exhibit 10?

Mr. Seyfarth: Yes.

The Witness: Will you repeat your question?

Mr. Seyfarth: Will you repeat the question, Mr. Reporter.

628 (Question read.)

A. If I understand that question rightly, of course I felt that I should get the subject clarified on this point also, because it was more or less in a general term, that particular paragraph, where it was—where it refers to repudiation of previous signature, that an employee who would sign—that is, the previous signature, whatever we signed, authorizing a person or persons—

Q. (By Trial Examiner McCarthy.) This testimony relates to Board's Exhibit No. 13?

A. Yes.

Q. Is that the card that you refer to?

A. Yes, sir. So when I read this particular paragraph, well I understood that anything anyone signed prior to that it takes his rights away whether it refers to one organization or another, or in general.

Q. (By Mr. Seyfarth.) In other words, you didn't want to be put in a position of relinquishing your rights in the C. I. O. if you joined the Independent Union?

A. No, sir, that wasn't my idea.

Q. What was your idea?

A. Well, my idea was to get a clear answer from the speaker on that point. He never answered, and I still don't know what the idea was, what they had in mind to

explain, but it was my desire to know what was meant
629 by that, what is meant by that by those who printed
and issued this particular membership card. So I
never had an answer, and that is how it stands.

Q. That was the reason for your asking the question?

Trial Examiner McCarthy: It is pretty clear now that
the witness is a C. I. O. member and he was obviously
more interested in that organization than he was in the
Craftsmen. The whole line of his testimony shows that.

Mr. Seyfarth: If that is thoroughly understood I have
no interest in further pursuing this subject in cross-ex-
amination.

Trial Examiner McCarthy: I think that is pretty clear
in the record.

Q. (By Mr. Seyfarth.) Who did you work for before
you were employed by Link Belt?

A. International Harvester.

Q. How long did you work for them?

A. About six months or so.

Q. When did you start working for International Har-
vester?

A. When?

Q. Yes.

A. Oh, I think it was in 1935.

Q. Who did you work for before that time?

A. No answer to that question.

Q. Don't you want to answer the question? Answer
yes or no.

630 A. No.

Trial Examiner McCarthy: What is the purpose?

Mr. Seyfarth: I don't hear an objection, may it please
the Examiner, to the question.

Trial Examiner McCarthy: The Examiner wants to
know.

Mr. Reynolds: The Examiner is asking what is the
purpose of it.

Mr. Seyfarth: I want to get something of this witness'
background. I think I have a right to find out where he
was employed.

Mr. Reynolds: I object on the ground that it is im-
material.

Mr. Seyfarth: Furthermore he testified as to the way
other foundries are run, and I would like to know what
the foundries were and what he did in those foundries.

Trial Examiner McCarthy: He worked in other
foundries since 1916.

Q. (By Trial Examiner McCarthy.) What other foundries did you work in since 1916?

A. Well I worked in quite a few of them.

Q. Was it a foundry—did you work in the foundry department of the International Harvester?

A. Yes, sir.

Q. Have you been a molder since 1916?

A. Yes, sir.

Q. Did you ever belong to any other organization—what evidence have you that they apparently question the fact that you have been a molder since 1916.

A. The only evidence I could have is the reference to the company I was working for, as I did submit my reference before I was hired by the Link Belt; I submitted to them a reference where I was working as a molder.

Trial Examiner McCarthy: Have you got a copy of that application?

Mr. Seyfarth: We haven't got the application here. I still think that I have a right to go into where he was employed.

Trial Examiner McCarthy: It is already in your possession, isn't it?

Mr. Seyfarth: No, sir.

Mr. Reynolds: In the answer of the respondent here there is no question raised whatever about the ability of this witness. The only defense is that he was laid off because of lack of work.

Mr. Seyfarth: I don't see why the witness should refuse to answer a perfectly simple question.

Trial Examiner McCarthy: He might have some reason.

Mr. Reynolds: Because there is no material purpose for it.

Mr. Seyfarth: The witness must have some other reason for it than its immateriality, and I would like to know what it is. He has gone into great detail here about his experience as a molder.

Mr. Reynolds: I beg your pardon.

Trial Examiner McCarthy: Only, as I understand it, only in connection with this respondent's plant, and he says he has been a molder since 1916.

Mr. Price: He also testified as to how the plants were run.

Trial Examiner McCarthy: Yes, he did make a refer-

ence to that insofar as the departmentalization of the foundry was concerned.

Mr. Price: We are entitled to find out about that and to know what his experience is.

Trial Examiner McCarthy: Haven't you got a copy of his application?

Mr. Price: We haven't got it here. Can't he tell us? It will take about two minutes to tell us where he worked.

Mr. Reynolds: I object to the participation of counsel—

Mr. Price: It will take him about two minutes to tell us.

Mr. Seyfarth: I would also like to know what the make-up of the departments were in these other plants. It certainly is not going to appear on an application for employment, and I again make my request that the question be answered.

Q. (By Trial Examiner McCarthy.) Can you 633 name two or three places that you worked?

A. Yes.

Q. Here is the point: I asked you in connection with the shifting of these men around and the departmentalization, whether it was the practice in other plants where you had worked, and in a way you are an expert witness on this particular phase. In other words, I would say you were a fairly good expert because of sixteen years in the business, as I asked you whether it was your experience in other plants where you had worked that they treated the foundry department as one department. Now if there is no reason why you don't want to answer that it would be helpful, but if you don't wish to the Examiner will sustain the objection to your testifying.

A. There is a reason why I should not answer.

Trial Examiner McCarthy: Then the Examiner will sustain the objection.

Mr. Seyfarth: And the respondent asks for an exception to that ruling.

Trial Examiner McCarthy: It will be granted.

Mr. Seyfarth: Now I would also like to ask the witness to name each place, each company where he has been employed since 1916, and the dates.

Trial Examiner McCarthy: The Examiner just sustained the objection to it.

634 Mr. Seyfarth: That was one. The question was directed at where he was employed prior to the International Harvester.

Trial Examiner McCarthy: You are trying to cover

the period from 1916, and the objection is sustained to the whole line.

Mr. Seyfarth: And may the record note my exception to the sustaining of the objection?

Trial Examiner McCarthy: Well, I suppose you can bring his application card in. He says he gave you references.

A. Yes, I did.

Trial Examiner McCarthy: In other words, it is in your possession; part of the information is in your possession.

Mr. Seyfarth: Yes, but what he did at those various places of employment is not in our possession.

Trial Examiner McCarthy: If he refuses to answer the weight that will be given his testimony as to the departmentalization will be very limited, won't it?

Mr. Seyfarth: I don't want to vouch for this witness as an expert on departmentalization of foundries. I don't think he is a qualified witness, and I don't think it would be proper to direct any questions towards him on that subject.

Trial Examiner McCarthy: Well, if it is true that he worked in foundries for pretty near twenty years he would be competent to testify as to what the conditions were.

Mr. Seyfarth: It all depends, if the Examiner 635 please, upon what kind of foundries they were. I presume there are a number of different types and kinds of foundries.

Trial Examiner McCarthy: I suppose there are.

Mr. Reynolds: Why don't you ask him if you want to know?

Mr. Seyfarth: I have asked him for the names and he won't give them.

Q. (By Trial Examiner McCarthy.) The type and kind of foundries, were they similar foundries to this?

A. Yes, sir, gray iron and steel foundries.

Q. Gray iron and steel foundries?

A. Yes, sir.

Mr. Seyfarth: I renew my request that he be ordered to answer the questions that I put to him.

Trial Examiner McCarthy: I don't know what the reason is why the witness will not answer, but it is not particularly germane. It lessens the weight of his testimony on that score. The Examiner sustains the objection. You may proceed.

Q. (By Mr. Seyfarth.) Were you ever affiliated with any union in your other places of employment?

A. I refuse to answer that question.

Mr. Seyfarth: I request that the Examiner order the witness to answer the question.

Trial Examiner McCarthy: What bearing has that on this case?

Mr. Seyfarth: It has a bearing on the antecedents 636 and the background of this witness, which is material in any proceeding, may it please the Examiner.

Trial Examiner McCarthy: He had a right to join either one of these two unions. He joined one of them, and it would seem to the examiner you would be limited to the point where he joined an organization. He might have had antecedents that had no bearing on this case at all.

Mr. Seyfarth: Those are my reasons for asking the question. I take it there is an objection to the question and it is sustained?

Trial Examiner McCarthy: The attorney doesn't have to interpose an objection.

Mr. Seyfarth: I would like to enter an exception.

Trial Examiner McCarthy: It is granted.

Q. (By Mr. Seyfarth.) I call your attention to the 20th of April, 1937. You testified that on that date one Frank Lackhouse came to you with a petition, is that correct?

A. Yes, sir.

Q. And Lackhouse asked you to sign it?

A. Yes, sir.

Q. Who was present at the time?

A. No one outside of me and him. I was working.

Q. Where did the conversation take place?

A. Where?

Q. Yes.

637 A. Right at the place of my work.

Q. Was it in front of your particular machine?

A. It wasn't a front. It was right there where I work. There is no front or back, of my place.

Q. For the purpose of the record can you describe the place where you worked a little more fully?

A. Well at that time I was working on the side floor, you see.

Q. On the side floor?

A. Yes.

Q. What time of the day or night was it?

A. It was I think the early working hours of the afternoon.

Q. Did he at that time make any references as to who he meant by the words "they"?

A. No, sir.

Q. I call your attention to the next day, April 21, 1937. You testified that Zenon Petrowski, a molder on the steel floor, came to you with a similar document and wanted you to sign it. Was anybody present besides you and Zenon?

A. No.

Q. Where did this conversation take place?

A. Right at the place of my work.

Q. Where?

A. Right at the place of my work.

Q. At the same place where you had the conversation with Lackhouse?

A. Yes, right at the place where I was working.

Q. What time of the day or night was that?

A. I think it was around about three o'clock or so in the afternoon, during working hours, something like that.

Q. Now on April 27, 1937, you testified that on that date Kovach asked you to join the Independent?

A. Yes, sir.

Q. Who was present?

A. No one outside of him.

Q. (By Trial Examiner McCarthy.) Where did it take place?

Q. (By Mr. Seyfarth.) Where did it take place?

A. Right at the place where I was working.

Q. What time of the day or night was it?

A. I think it was afternoon.

Q. Do you know what time in the afternoon?

A. I think it would be around about three or four o'clock, something like that.

Q. Did you recognize any of the women who you stated were clerical workers?

A. No, I don't.

Q. Do you know any of the women by name?

A. No, sir.

Q. Do you recall seeing the woman before?

A. No, because they are not in the foundry, and I didn't bother to look the women over.

Q. For all you know they might have been on-lookers?

A. As far as I am concerned, I can't say yes or no.

Q. Very well. You referred to Mr. Bjork as trying to gain entrance to the meeting of the Independent? Do you know Mr. Bjork's first name?

A. I think it was—I believe it was Donald.

Q. Was he an employe of the Link Belt Company?

A. Yes, sir, sure.

Q. You testified to a conversation held on April 22, 1937, with one whom you designated as Splits.

A. Yes.

Q. And you stated that the conversation was near the foundry. Will you tell exactly where the conversation took place?

A. You say near the foundry?

Q. Yes.

A. I says in the foundry.

Q. Whereabouts in the foundry did the conversation take place?

A. On his floor.

Q. What floor is that?

A. Side floor.

Q. Was it near any particular machine?

A. Yes.

Q. What machine?

640 A. It was the second machine from the foundry office south.

Q. Who else was present?

Trial Examiner McCarthy: What day was this meeting?

Mr. Seyfarth: April 22, 1937.

Trial Examiner McCarthy: Splits or Skeets?

Mr. Seyfarth: He said Splits on this occasion. This is the occasion, if it please the Examiner, when there was some reference made to his reporting him to the Labor Board for a remark.

Trial Examiner McCarthy: I have that Splits on April 27th.

Mr. Seyfarth: April 27th.

The Witness: 1937.

Trial Examiner McCarthy: Where he said, "Shit on C. I. O."

Mr. Seyfarth: Yes, that was on April 27th.

The Witness: The 27th, yes.

Q. (By Mr. Seyfarth.) What time of the day or night did that conversation take place?

A. During the lunch hour, noon hour.

Q. Who was present?

A. Well, there were quite a few fellows.

Q. Name them?

A. Well, I couldn't give their names, but I know them by their faces, and there is one fellow I can name who was present, was Charlie, the foreman of the sprocket floor on the side floor.

641 Q. Would you state that his name was Charles Grinnis?

A. That is about right.

Q. Do you know anybody else that was present?

A. I know the fellows there, but I can't give you their names now, but I can point them out. It is his gang.

Q. Now you testified, Mr. Bozurich, that you stated to Splits that you had been there a year and your pay wasn't increased?

A. Yes.

Q. Well, isn't it a fact that your pay increased from 48 cents an hour on April 22, 1936, to 51 cents an hour on November 2, 1936?

A. Yes, but I referred to the wages other fellows would have which even are not qualified and did not work the class of work as I did. I referred him to that particular instance.

Q. Did you tell Splits that?

A. Yes, sir.

Q. You told Splits that in relation to the other men you hadn't received an increase in pay?

A. Yes, sir.

Q. And you want to add that to your testimony now that you gave on direct examination, is that right?

Mr. Reynolds: I object, if the Examiner please.

Mr. Seyfarth: He didn't qualify it on his direct examination.

642 Mr. Reynolds: If he wasn't asked to qualify it, why should he.

Trial Examiner McCarthy: Objection sustained.

Q. (By Mr. Seyfarth.) And did your pay increase to 54 cents an hour on November 30, 1936?

A. Very likely it did.

Q. And did your pay increase to 59 cents an hour on March 15, 1937?

Trial Examiner McCarthy: I think the witness has testified he started at 50 cents and got 65 the day he was discharged.

Mr. Seyfarth: I should like to show how the pay increased.

A. I mentioned already there was a gradual increase to 60 or 65, and I was laid off.

Q. (By Mr. Seyfarth.) Was it 60 or 65 cents an hour?

A. Either 62 or 65. I don't know exactly.

Q. Now you testified to an incident that happened near the cupola, and it was during the lunch hour, and you went there to solicit members for the C. I. O., is that correct?

A. Yes.

Q. And did you know of the rule at that time forbidding the solicitation of union memberships on plant property or on company time?

A. A rule by whom?

Q. By the company?

643 A. Not to my knowledge, there was no rule to that effect.

Q. You didn't know anything about any such rule?

A. No, sir.

Q. (By Trial Examiner McCarthy.) Was there such a rule?

A. There wasn't.

Mr. Reynolds: I never heard of it.

Q. (By Mr. Seyfarth.) Who was present at the cupola?

A. Well, there was John Balshatis.

Q. Who else was present?

A. Mr. George Lackhouse, cupola tender or furnace tender.

Q. Was that the same Lackhouse that you testified to before?

A. No,—his father.

Q. Who else was present?

A. Then there was Marko.

Q. What is his first name?

A. I don't know his first name, but I know him by Marko.

Q. Who else was present?

A. Frank Kolar.

Q. What did Frank Skeets first say to you when he came up?

A. When he came there he tried to look into the application cards, and he says, "How you doing?"

Q. He said what?

A. "How you done?"

Q. Did he mean, how do you do or what are you doing?

A. In other words, he said, "How you doing?"

644 "How you getting along with getting applications for C. I. O. union?" and Mr. Marko answered "Pretty good," and then in a joking manner he say, to Mr. Marko,

as a matter of fun, he made the remark, "Mr. Skeets put in word," he says, "for this fellow."

So Mr. Skeets then says, "Shit on that stuff," and so on and went away from us. Then in the meantime I see he turned the cigar over to Frank Kolar.

Q. That was the scene. What did he turn over to Frank Kolar, a cigar?

A. A cigar.

Q. (By Trial Examiner McCarthy.) That was all a joke, though, wasn't it?

A. Yes, that was a joke, in the form of a joke.

Q. (By Mr. Seyfarth.) Is Frank Kolar a member of the C. I. O.?

A. To my knowledge, yes.

Q. And he was trying to induce the crane man to join the C. I. O. along with you, wasn't he?

A. I don't know whether he was a member at that time, but lately I know he was.

Q. Didn't Frank Kolar say, "Put in a word for this fellow?"

A. Who said?

Q. Kolar—didn't he say, "Put in a word for this fellow"?

A. No, it was Marko as a matter of a joke.

Q. It was Marko said that?

645 A. To Skeets, because Skeets was looking there and the other fellow what I want to sign, John Balshatis, he tried to hide his card, then Marko to encourage the fellow there put it in the form of a joke to Skeets because he came there, and I suppose that was one way to get rid of Skeets, give him some joke.

Q. It ended up by the foreman passing out a cigar?

A. He gave it to John Kolar. Whether it was a matter of habit or not, I don't know.

Q. Now directing your attention to your testimony regarding Mr. Olson's conversation the day following the meeting at which John Lewis was scheduled to attend, where did that conversation take place?

A. Right at the place of work where I was working, the place of my work.

Q. Was that on the side floor?

A. No, that was on the main floor, on the north end, where I was working.

Q. Who else was present?

A. No one.

Q. What time of the day or night did the conversation take place?

A. It was early, starting out in the morning. You know we start to work early in the morning.

Q. What different departments have they got in the 646 foundry at the Link Belt Company, Mr. Bozurich, if you recall?

A. I don't know any department outside of shipping rooms, core makers and molding floor.

Q. They have got a core room, you say?

A. Core room, yes, we call that a core room.

Q. Do you know whether or not there is a foreman that presides over that room?

A. Over the core room?

Q. Yes.

A. Yes, sir.

Q. There is a foreman?

A. Yes, sir.

Q. Then there is the iron floor, gray iron floor, is that right?

A. Yes, sir.

Q. Is there a foreman that presides over that floor?

Trial Examiner McCarthy: Is there a gray iron floor? Are you referring to his initial testimony when he started to list the squeezers, patterns—

Mr. Seyfarth: No, I am not referring to that. I don't think he ever went through this on direct examination.

Q. (By Mr. Seyfarth.) There is a gray iron floor you state?

A. Yes.

Q. And is that presided over by a foreman?

A. Yes—Mr. Olson.

647 Q. Mr. Olson who was your foreman?

A. Yes.

Q. (By Trial Examiner McCarthy.) Who is in charge of the foundry?

A. Mr. Olson is the general foreman.

Q. (By Mr. Seyfarth.) Now is there a department known as the machine floor?

A. It is known as the machine floor only.

Q. Has that got a foreman presiding over it?

A. They have their own gang foreman, yes.

Q. Now is there a sprocket floor? Is there a sprocket floor?

A. Yes, known as the sprocket floor.

Q. Do you know whether or not they have got a foreman that presides over the sprocket floor?

A. Yes, there is a man who takes care of that particular gang of fellows who work on that job.

Q. Well now is there a bench floor?

A. There is only a bench, but there is no bench floor.

Q. Do you know whether or not there is a foreman that presides over the employees at the bench?

A. There is a man that takes care of the squeezers and bench molders there, yes.

Q. (By Trial Examiner McCarthy.) Bench molder or foreman? He asked you if there was a foreman in charge of the bench?

648 A. Yes.

Q. There is a foreman?

A. In charge of squeezers and bench molders.

Q. (By Mr. Seyfarth.) Do you know whether or not there is a department known as the steel floor?

A. Yes. Not as a department, but as the steel floor, the place where steel castings are made.

Q. Who is that presided over by?

A. Mr. Olson.

Trial Examiner McCarthy: Have you got a diagram of the plant?

Mr. Berry: Yes.

Trial Examiner McCarthy: Would you introduce that and clarify it? It will straighten out a lot of this.

Mr. Seyfarth: We will produce one here tomorrow.

Trial Examiner McCarthy: Just show the location of the whole thing.

Q. (By Mr. Seyfarth.) How long did you work at the very start in the southern end of the gray iron floor?

A. I think it was from—when I started in March—or May, 1936, up to about, I would say, the middle of January, 1937; approximately; I can't tell you exactly the day, but something like that.

Q. How many men were employed along with you in the southern end of the gray iron floor?

649 A. You mean on all the floor?

Q. Yes.

Trial Examiner McCarthy: I wonder if it would be convenient for counsel to defer your cross-examination until we get the blue print? Then we can identify it exactly. You are apparently having him on cross-examination for another hour or two.

Mr. Seyfarth: All right, I would be happy.

Trial Examiner McCarthy: I think that will clarify it. It is not clear to the Examiner just exactly what the south side and the side floor and the steel floor and gray iron floor is.

Mr. Seyfarth: If it will facilitate the Examiner and the hearing, yes.

Trial Examiner McCarthy: If you will, please. Would you prefer to have Mr. Wham take it up in the next half hour?

Mr. Wham: I think that would be—

Trial Examiner McCarthy: Would that be convenient to you?

Mr. Wham: That is all right.

Mr. Seyfarth: He will go over a subject that I don't care to particularly examine about.

Mr. Wham: Perhaps the witness might be withdrawn and put on again tomorrow morning.

Trial Examiner McCarthy: Whichever is the most convenient to you gentlemen. Would you prefer to have that done?

Mr. Wham: I don't care.

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Wham.) Mr. Bozurich, you say you joined the C. I. O. in March, 1937?

A. Yes, sir.

Q. Did you do any work for the C. I. O. at that time, in the next month or so, in the way of soliciting applications?

A. Not until after—oh, about in the last part of March or April, 1937, when I lost hope to get satisfaction from the Independent Union of Craftsmen, then I decided to become active.

Q. The Independent Union of Craftsmen didn't start until at least after April 12th, so there was about a month in there before you heard of it. What were you waiting on during that month?

A. I didn't understand that question.

Mr. Wham: Read the question.

(Question read.)

A. Well I turned my application in, as I said before, and I was waiting until I will be invited verbally to C. I. O. meeting.

Q. (By Mr. Wham.) Did you attend a meeting at that time?

A. No.

Q. When was the first C. I. O. meeting you attended?

651 A. Oh, I think it was either at the end of the month of April or in the beginning of May, something like that, 1937.

Q. You weren't active at all in the C. I. O. then until the first of May?

A. About that, yes, thereabouts.

Q. Now when the Independent started to organize, when did you first take notice of that?

A. The Independent Union of Craftsmen?

Q. Yes.

A. Well the first soliciting started on about April 20, 1937. Of course I wanted to clear up on this point at that time. I didn't know whether it was a plant union, or what sort of a union it was, but it developed later on to be independent.

Q. It first came to your attention then about April 20th, is that right?

A. That was the first thing called to my attention.

Q. Then on the 22nd you began to see notices circulated about the plant, is that right?

A. Yes, sir.

Q. And you began to collect them, didn't you?

A. No, sir, the employes gave them to me and I saw them.

Q. Well as I understood, you saw some other man having one, and you went and asked him about it and he gave it to you, is that right?

652 A. What?

Q. This man—

Trial Examiner McCarthy: Who did he ask? I don't recall that he asked anybody.

Mr. Wham: Felix Zitzkes.

A. You have got that wrong.

Trial Examiner McCarthy: As I understand it, at 5:30 P. M. was the meeting and Felix Zitzkes gave him an invitation card to that meeting.

Q. (By Mr. Wham.) Where did you see Felix Zitzkes?

A. I was working on my floor, or at the place where I was working, and I want to clear up this, see? The fellows that work on the floor, or in Splits' gang, you see at certain hours in the afternoon they do their own pouring; they have to pour their own molds—

Q. Is it necessary to tell all this?

A. Yes. And we fellows on the main floor we work from—there is another man that pours our molds, so during that time we have a chance to go around, and he came down to me.

Q. Where was it?

A. How?

Q. Where was it he gave it to you?

A. In the foundry.

Q. About what time of day?

478. *Witness for National Labor Relations Board.*

A. It was quite late; about one hour or so before 653 the quitting time.

Q. (By Trial Examiner McCarthy.) What time did you quit over there—4:30?

A. 4:30.

Q. (By Mr. Wham.) Did you ask him for it or did he give it to you?

A. No, I didn't ask; he simply said, "Did you see that?" I said no. And he said, "Here." So I took a look at it and put it in my pocket.

Q. You weren't interested, though, were you?

A. I certainly was, but the man that—or the party that was distributing those material he came to me direct, so of course I was interested to see what was going on.

Q. You took the first opportunity to get one of them, is that right?

Mr. Reynolds: I object, if the Examiner please. The witness stated exactly what happened. I don't see why his testimony has to be characterized.

Mr. Wham: I have heard a lot of characterizations around here in this hearing so far. I think I ought to be entitled to some.

Trial Examiner McCarthy: No characterizations, gentlemen, please. You may proceed.

Q. (By Mr. Wham.) How did you happen to put that in your pocket?

654 A. What do you mean, how did I happen?

Q. Why did you want to keep it?

A. To look at it after the working hours.

Q. You were a member of the C. I. O. weren't you?

A. At that time I filled application already.

Q. Weren't you a member then?

A. I suppose I was considered.

Q. Then you also got a copy of another notice, didn't you, that same afternoon?

A. Prior to that, yes.

Q. And who did you get that from?

A. What notice do you refer to?

Q. The other one. How many notices did you get?

A. Two.

Q. Two. Well now I am talking about the other one now?

A. The first one that the crane operator gave to me was the proposed constitution and by-laws of Independent Craftsmen.

Q. Was that the constitution and by-laws that you got at that time from the crane operator?

A. Yes, sir.

Q. And that was on April 22nd?

A. Yes, sir, as far as I can remember.

Q. Is that this Board's Exhibit 16, this one here (indicating)?

A. I don't know what exhibit it is. It is a copy 655 of it, but not this copy, because that was a very dirty copy.

Trial Examiner McCarthy: What is No. 15?

Mr. Reynolds: 15 hasn't been introduced because it has not been qualified yet. He said it was not this proposed by-laws; that this came out later.

A. This is the first one (indicating.)

Trial Examiner McCarthy: Board's No. 15 is entitled "Proposed constitution and by-laws."

A. That was circulated several months after this copy here (indicating). They wanted to put it in the form of a booklet, of membership book. That was much later, but this (indicating) is the first copy.

Q. (By Trial Examiner McCarthy.) Which one do you refer to?

A. This one here (indicating).

Q. You are pointing to Board's number—

A. I don't know what it is.

Q. —16.

Q. (By Mr. Wham.) Now this Board's Exhibit 16 says, "Constitution." That is what you refer to when you say "Constitution and by-laws," is that right?

A. Yes, that is right.

Q. (By Trial Examiner McCarthy.) That you received from the crane operator?

A. Yes.

Trial Examiner McCarthy: That is not the proposed—does it say "Proposed" on the exhibit?

Mr. Wham: No.

A. That is the copy.

Mr. Wham: I might say that this Board's Exhibit 15 says "Proposed by-laws."

Q. (By Mr. Wham.) Well, you went up to the crane operator, didn't you, to inquire about it?

A. No, sir.

Q. How did you happen to be talking to the crane operator?

A. Well, I was working right underneath. It is a

narrow floor, and he came above me at the place where I worked. It is a long crane, and you can handle it with your hands.

Q. Were you working at the time? Were you working at your regular place at the time?

A. At that time?

Q. Yes.

A. I was working.

Mr. Wham: What was that answer?

(Answer read.)

Q. (By Mr. Wham.) At your regular place?

A. Yes.

Q. And the crane operator came by you, is that it?

A. Yes.

Q. What did you do, stop and talk to him?

A. No, he stopped there, and he was reading the
657 document. I asked him what it is all about and he told me what it is about and dropped it down.

Q. So you put it in your pocket?

A. Yes.

Q. Then you—after work you went to a restaurant near by, do I understand it?

A. Yes, 3910 Wentworth.

Q. And was it there that you got an application card?

A. Yes, sir.

Q. Who gave you that?

A. A certain employe, I suppose, at the Link Belt.

Q. What is that?

A. One of the employes from Link Belt.

Q. And you sat down in the restaurant there and read these documents over?

A. Yes, I had my lunch and I read also.

Q. You were eating your supper at the time, were you, your lunch?

A. Yes.

Q. And you were intensely interested; you wanted to familiarize yourself with this new union, is that right?

A. Naturally I was interested what is going on, what it is all about, because I am an employe of Link Belt and the document was circulated. Of course we naturally—

Trial Examiner McCarthy: That is enough.

658 Q. (By Mr. Wham.) Before you left the shop, however, you went over and read the recognition agreement, is that right?

A. I read it, yes.

Q. (By Trial Examiner McCarthy.) That is referred

to as Board's Exhibit No. 10. Is that the agreement you refer to?

A. Yes, but I didn't read it in the restaurant. I read it in the corridor.

Q. (By Mr. Wham.) And at that time you made some jokes about it?

A. No, the other fellows did.

Q. The other fellows did?

A. Yes.

Q. You were just seeking knowledge?

A. Well, they were there in a bunch, all of them there, a group, looking into the bulletin board, so on the way to the washroom, right after quitting time I also joined them and read it.

Q. So at the time you had finished your lunch you had read about everything that was about there, didn't you?

Trial Examiner McCarthy: That isn't what the witness testified to. The witness testified he received from the crane operator a constitution and by-laws. On his way to the washroom he read this separate memorandum of agreement known as Board's Exhibit No. 10, and after working hours in a restaurant he did his thorough reading.

659 Mr. Wham: That is what I say.

Trial Examiner McCarthy: Whether he did or not is really immaterial in this case.

Mr. Wham: I don't think it is.

Trial Examiner McCarthy: What is the purpose of the examination?

Mr. Wham: Do I have to state? I am trying—

Trial Examiner McCarthy: If he distorted every word of it—let's say he has, every word of it—it doesn't really make much difference.

Mr. Wham: I think it makes a lot of difference. I think that this man had prepared himself thoroughly to go to the meeting and try to upset it.

Trial Examiner McCarthy: I think the evidence shows he has covered it pretty thoroughly. You may proceed.

Q. (By Mr. Wham.) Now, Mr. Bozurich—

Q. (By Trial Examiner McCarthy.) Mr. Bozurich, do you recall seeing this gentleman here (indicating Mr. Wham)?

A. What?

Q. Have you ever seen this gentleman here (indicating Mr. Wham)?

A. I think he was the gentleman at the meeting there. I wouldn't swear to it, but he is undoubtedly the one.

Mr. Wham: I think I remember you too, Mr. Bozurich.

Q. (By Mr. Wham.) Now I want to make certain 660 of this—I may have misunderstood because you were talking rather rapidly—when you entered the hall there—

Trial Examiner McCarthy: You are referring to the meeting of the 22nd?

Mr. Wham: The meeting of the 22nd, yes.

Q. (By Mr. Wham.) You got there a little bit late; the meeting was in session and you took a seat over near a window?

A. Yes.

Q. You wanted some fresh air, I believe?

A. Yes.

Q. You felt that the air was a little bit bad there? You think the air was bad?

A. Inside the hall?

Trial Examiner McCarthy: That is not material.

Q. (By Mr. Wham.) Then you heard this speaker whom we will assume for the record was the attorney for the Independent Union?

A. I don't know.

Q. At any rate you heard this speaker first—

Trial Examiner McCarthy: Excuse me—

Q. (By Trial Examiner McCarthy.) How did you know his name was Wham?

A. Later on some of the employees told me, I think, when I was asking. That was some time after that.

Q. You asked who was the chief speaker?

661 A. Yes. Then some of the employees told me, and they told me it was Mr. Wham.

Q. At any rate, you heard him reading part of the Wagner Act?

A. Yes.

Q. And attempting to explain it?

A. Yes.

Q. And then he said this old shop union you have can't go on; it has to be abandoned or has to be changed; it is impossible or illegal for the company to finance a union?

A. Yes.

Q. You heard that, did you?

A. To complete it, he said the company cannot support you directly financially.

Q. Directly financially?

A. And probably some other arrangement could be made.

Q. You understood, in other words, that the company could indirectly support it financially, is that right?

A. Well whatever he meant by that I don't know, but I am just telling you what I heard.

Q. The word "directly" was used, was it?

A. Yes, sir, I heard that.

Q. It could not directly support it financially?

A. I am just stating what I heard.

Q. I just wanted to find out exactly what you said.
662 Then the constitution was read by the speaker and he proposed that it be adopted?

Trial Examiner McCarthy: I think part of that was left out. In fairness to the witness, what else was said there?

A. That is what I want to put in.

Mr. Wham: All right.

A. Then he went on to say "You fellows got to do something to organize yourselves in there," he said, "otherwise John L. Lewis has organizers, trained organizers and they will come there and organize you fellows." And he said, "Well, you see what is taking place; we will have strikes and trouble and things like that.

Mr. Wham: I didn't intend to be unfair to the witness in omitting that. I didn't understand on cross-examination I had to cover everything that was said on direct.

Trial Examiner McCarthy: No.

Mr. Wham: I just wanted to be—I am not disputing any of this last part. I probably said that. I wanted to be sure of the first part.

Q. (By Mr. Wham.) You say there was no secretary at that meeting?

A. No, sir.

Q. Was there ever a secretary of that meeting? Was there one elected at all during the course of the meeting?

A. Not during my presence.

663 Q. You were there until they closed the meeting, weren't you?

A. Yes, sir.

Q. So you would say positively there was no secretary at that meeting?

A. If he was in the crowd, but not on the stage where he is supposed to be.

Q. You would say there was no secretary acting for the meeting, is that right?

A. I didn't see that on the stage and also the people were demanding to elect a secretary.

Q. So you would say there was no secretary elected at that meeting, is that right?

A. Not that I know.

Q. What is that?

A. Not that I know of, that I had a chance to see, either elected or on the stage.

Q. You are not sure about it, is that right? What is the answer?

Trial Examiner McCarthy: I think the witness has testified. Repeat the answer, please.

(Answer read.)

Q. (By Mr. Wham.) Well, you are not sure that there was a secretary or there wasn't one?

Mr. Reynolds: I object, if the Examiner please.

664 Trial Examiner McCarthy: I think he has answered that, Mr. Wham. He said he wasn't sure. He didn't see him elected and he didn't see him on the stage.

Q. (By Mr. Wham.) Now you had some questions in mind. One was why there should be two kinds of membership, a plant membership and an individual membership?

A. Yes, sir.

Q. And you didn't think—you thought there was something unfair about that, did you?

A. Sure that is what I thought.

Q. And nobody explained that at all?

A. Not at that meeting, not to me.

Trial Examiner McCarthy: Keep your voice up, please.

A. No.

Q. (By Mr. Wham.) Now what lodge do you belong to in the C. I. O.—1604?

A. At the present time, yes.

Q. It is affiliated with the Amalgamated Association of Iron and Steel, Tin, and so forth, Workers, isn't it?

A. Yes, sir.

Q. So it has, in a sense, a membership in that greater association, hasn't it?

A. What do you mean by that?

Trial Examiner McCarthy: You mean the local has a—

Q. (By Mr. Wham.) The Local has a certain affiliation with the other?

665 A. With the C. I. O., yes.

Q. That is all right, isn't it? Isn't that fair?

A. I didn't get you clear.

Q. I say, isn't it fair; wouldn't you consider that affiliation of your local with the C. I. O. as fair?

A. Is it fair that it is affiliated with C. I. O.?

Q. Yes.

A. Yes.

Q. You think that is all right?

A. Yes.

Q. And if we had some lodges in different parts of the Link Belt Company affiliated together, that would be all right, wouldn't it?

A. What lodge do you refer to, C. I. O. lodge?

Q. I am referring back now to the Independent plant membership. Well, skip it. Your other question was that the application, if you signed that, it would require you to relinquish membership in the C. I. O., is that right?

A. That was another question.

Q. It doesn't say that, but you understood that was the operation?

A. That was the way I understood it.

Q. Is there any doubt about it? You read that clause over. Isn't the meaning clear?

666 A. Well the way I understood it, if we would sign this application—

Q. (By Trial Examiner McCarthy.) Which application, Board's No. 13?

A. Yes, for the Craftsmen. If I would sign it, then all my previous signature would be repudiated, whatever I would sign for any other organization.

Q. (By Mr. Wham.) That is a correct interpretation.

A. That is the way I understood it.

Q. I think it is very clear there. At least I tried to state it that way. You think you should belong to two unions.

A. How?

Q. You think you should belong to two unions?

A. I don't think so. There is no reason why.

Q. On the question of keeping a record of the proceedings of that meeting, did I understand you correctly to say that the chairman said that "We cannot have an official record taken"?

A. Yes, sir.

Q. Did he amplify that at all?

A. What do you mean by amplifying it?

Q. Did he clarify it? Did he say anything further about that?

Q. (By Trial Examiner McCarthy.) Did he give any reason why there couldn't be an official record?

A. Not at all. I simply got that answer.

667 Q. (By Mr. Wham.) And when the motion was put to adopt the constitution, you are quite certain that only a very small minority stood up?

A. Yes, sir.

Q. You are sure of that, are you?

A. That is my estimation; to the best of my recollection, as I see it. May I add, that not only those that were supposed to vote, but among those there was also those protesting against the vote and demanding discussion.

Trial Examiner McCarthy: The record is clear what you meant there.

Q. (By Mr. Wham.) And after you had told—was it the chairman that asked you if you were an employee?

A. Yes, sir.

Q. It wasn't me?

A. No.

Q. (By Trial Examiner McCarthy.) What?

A. No.

Q. Mr. Wham was not the chairman of the meeting?

A. No, there was a different one.

Q. Who was the chairman?

A. I don't know his name. I never knew his name.

Mr. Wham: Mr. Litster was chairman.

Q. (By Mr. Wham.) Now after you told him that you were an employee he said, "That is all I want to know"?

668 A. Yes, sir.

Q. He didn't say anything further about that?

A. Not that I know.

Q. (By Trial Examiner McCarthy.) Was this when you heard Johnson say "Can you prove to me that the chairman is an employee of the Link Belt"?

A. Mr. Johnson asked the chairman if the speaker is an employee of the Link Belt.

Q. (By Mr. Wham.) What was the point raised by Fred Johnson?

A. I heard him raising the point too—he asked the chairman—

Q. (By Trial Examiner McCarthy.) That is Litster?

A. I don't know what his name was, but the chairman at that time, whatever the name was, asked whether Paul is an employee because I made that objection, and he says

"Can you prove that the speaker is an employe of Link Belt?"

Q. Who was the speaker?

A. Mr. Wham, I believe, is the gentleman. At least he was known to me later on as Mr. Wham.

Q. (By Mr. Wham.) Didn't he ask if the Independant union had a charter?

Trial Examiner McCarthy: Who? Fred Johnson asked?

Mr. Wham: Yes.

A. Well you see there was continual commotion there, see? Now and then the commotion would quiet down 669 and you had a chance to hear and then again people naturally would talk, but due to the commotion, you know, I had no chance to hear what was said.

Q. (By Mr. Wham.) You and Fred had talked this over before then, hadn't you, before the meeting?

A. No, sir.

Q. Hadn't you arranged to be there in different parts of the hall and aid in the commotion?

A. No, sir.

Q. Are you quite certain that due to the commotion they couldn't finish the business and had to adjourn?

A. That is what the chairman says, and he says, "We can't do nothing any more because there is so many demands for questions and discussions and election of a secretary to keep the records." And of course the people know they would not get those things and they were standing up and there was commotion. Then the chairman said, "Well we can't do nothing any more; we will adjourn the meeting and call another."

Q. Are you quite certain that he didn't say, "In accordance with the motion that has been passed we will adjourn until we can call another meeting to hold an election for regular permanent officers"?

A. No, sir, I heard him only as I said it here.

Q. You didn't hear that?

A. I didn't hear that.

670 Q. Did you hear a motion put in several different ways and finally gotten together and passed, to approve the constitution and appoint the officers stated in the constitution temporarily until they could call an election of the permanent officers?

A. I only heard the speaker when he was through reading that particular document, he proposed it for adoption, that is all; the only motion I heard.

488 *Witness for National Labor Relations Board.*

Mr. Wham: I am wondering if it is possible to adjourn now..

Trial Examiner McCarthy: Yes. We will adjourn until 9:30 tomorrow morning.

(Thereupon, an adjournment was taken to Thursday, March 17, 1938, at 9:30 a. m.)

671 BEFORE THE NATIONAL LABOR RELATIONS BOARD.

• • (Caption—XIII-C-303) • •

Room 777, United States Court House,
Chicago, Illinois,
Thursday, March 17, 1938.

The above entitled matter came on for hearing, pursuant to notice, at 9:30 o'clock a. m.

Before:

Hugh C. McCarthy, Trial Examiner.

Appearances:

Shephen M. Reynolds, Attorney, appearing on behalf of the National Labor Relations Board.

Messrs. Pope & Ballard, by Edward W. Ford, and, Henry E. Seyfarth, and, William F. Price, 120 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Respondent, Link Belt Company.

Benjamin Wham, and Forest A. King, 231 South LaSalle Street, Chicago, Illinois, appearing on behalf of the Intervener, Independent Union of Craftsmen, Local Lodge No. 1.

672

PROCEEDINGS.

Trial Examiner McCarthy: You may proceed.

Mr. Seyfarth: If the Examiner please, Mr. Wham was cross examining at the close last evening.

Trial Examiner McCarthy: Would you like to continue?

Mr. Wham: Yes.

PAUL BOZURICH, a witness called by and on behalf of the National Labor Relations Board, being previously duly sworn, resumed the stand and testified further as follows:

Cross-Examination (continued).

Q. (By Mr. Wham.) Mr. Bozurich, you testified to a number of occasions when you were solicited for membership in the Independent and also for dues. It sounded as if there were quite a number of times, but going over the notes I have April 27th seems to loom up every so often.

A. Was that a question?

Trial Examiner McCarthy: No, not yet.

Q. (By Mr. Wham.) No, not yet. I want to find out if these are all the same incident or if they were different ones.

For example, on or about April 27th you had a conversation with Kowatch and Erickson, and at that time Erickson had a narrow piece of paper with a number of signatures. Then you testified Kowatch was watching for you at the entrance on about April 27th with a booklet 673 with your name in it. Were those the same day or the same incident or were they another time?

A. Yes, to the best of my recollection approximately the same day.

Q. Were they the same occasion or two different events on the same day, or what?

A. Two different times of the day.

Q. Also you say on about April 27th John Kowatch asked you to join the Independent, which is close to the beginning of your testimony and then the other two times were later in your testimony, that on or about April 27th Kowatch was waiting for you at the entrance when you left work, and so on.

Were they the same incident or different incidents?

A. They were two different incidents. First, he came to the floor, to the place where I was working, and he asked me to join; and the second time—

Q. The first time he asked you to join. The second time he met you at the entrance or at the gate inside with a book all filled out for you?

A. Not the book, but he had a booklet with the list of names, a little book with names on we used in the members, a notebook.

Q. That was a book in which was "signed but refused to pay"?

A. Yes, that is what it said. He showed me, and 674 read it, see, and then there were written with ink, handwriting, see,—he says, "Here it is, 'signed by refused to pay.'" That is, refused to pay the initiation fee.

Q. What kind of a book was that?

A. That was a little pocket book, let's see, about this size (indicating).

Trial Examiner McCarthy: That is about two by three inches.

A. Something like that, and I think it was green covers, something like that.

Q. (By Trial Examiner McCarthy.) Just a little ordinary memorandum book?

A. That is right; that is right.

Q. (By Mr. Wham.) And that was not made up especially for you?

A. No, no.

Q. It had other names on it, several other names on it?

A. Yes, he showed me he had a list of names that signed. He says, "Here is your name." Also there was another signature, "signed by refused to pay." That is, refused to pay the initiation fee. I protested. I says, "I never signed. Who put my name on there? I want you to take that out."

Q. Early in the day you were approached by Erickson and Kowatch to join; and then toward the close of the day they had you down but refusing to pay, is that right?

675 A. Yes, to my recollection.

Q. And each time you talked to them you told them that you did not care to join?

A. That is right.

Q. And then Erickson saw you again along about June 2nd or 3rd and asked you to join again?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Was that Erickson or Robinson?

A. That was Erickson, the time keeper.

Mr. Wham: Erickson also asked him.

Q. (By Mr. Wham.) Now, in June and again in August, Robinson asked you?

A. Yes, in about June Mr. Robinson asked me to sign a petition; and in August, I think it was, the latter part

or so, I am not exactly sure of the date, he asked me to pay my dues, that he had a membership book ready for me.

Q. He asked you to sign the petition in June, you say?

A. Application for membership.

Q. Application for membership?

A. Yes.

Q. And in May Frank Lubenkob asked you to join?

A. Yes, sir, as far as I can remember the date.

Q. In each instance you told them you did not care to join?

A. Yes, sir. Of course, I also added that I made 676 up my mind to join with the C. I. O., there was no use to bother me.

Q. I take it then that you did not care to join the Independent.

Mr. Reynolds: I object to that, if the Examiner please.

Trial Examiner McCarthy: I think the record shows that. Sustained.

Q. (By Mr. Wham.) On these various occasions when they talked to you about the Independent, who commenced the conversation?

A. They always were the persons who would initiate it. They would come to me at the place where I was working. That would happen during working hours, and they would ask me either to sign the application or whatever there would be about it, whatever there would be to do about it; see; and naturally I had to answer, see, and they put up an argument, trying to convince me, of course, and I again would have to answer and tell them that.

Q. You were then arguing in behalf of the C. I. O., were you not?

A. Not so much as to the C. I. O. as pointing out I made up my mind to sign with the C. I. O. and they should not bother me. I saw more in the C. I. O. than in the other union, but outside of that fact I would repeatedly mention the fact at that particular meeting that I couldn't get the necessary information about it, other things like that, 677 which I considered I was entitled to know before I would be even willing to sign, if I signed at all.

Q. Lubenkob told you he thought the C. I. O. would win but he had to do this because he was taking instructions from the company?

A. Not that he was taking instructions from the company, but he says, "I hope the C. I. O. wins," that is all, "I hope the C. I. O. wins."

But he stated, "I have to do this because I am attending this school." I mean the school conducted for the apprentices; training. "You see", he says, "You know I will get a rotten deal if I don't do as I am told."

Who he referred to, I don't know.

Q. If he did not circulate the application cards the company would give him a bad deal?

A. He didn't say exactly that, but he says, "If I didn't do this"—that is, solicited the membership, go around with it to solicit the members, he practically would get a rotten deal in that school.

Q. From the company?

A. Well, that I don't know, but he mentioned attending the school.

Q. Was the company conducting the school?

A. As far as my knowledge, yes. At least, I know to this extent, that the boys were telling me it was 678 conducted by the company, and the various supervisors of the company go there and lecture, you know, and things like that. Whatever the lecture was about, I don't know.

Q. Do you gather that Lubenkob thought there was a direct connection between the company and the Independent Union?

A. I don't know that, I am just telling what he told me; on that particular occasion he referred to it; I don't know who, that is what he said.

Q. And when Julius Robinson spoke to you about June, was it he that said that it was a company union, that the Independent was a company union, or how would you state that?

A. Will you repeat that?

Trial Examiner McCarthy: Read the question.

(Question read.)

A. Well, he asked me to sign for the Independent Union, yes, and then I refused to sign, and I think I said, "Well, you know, it is a company union."

Q. (By Mr. Wham.) Did he say it was a company union or did you say that?

A. I think I said it, and he didn't offer no objection to it.

Q. In August when he approached you, you said, "He forged my name, he forged my signature."

Trial Examiner McCarthy: What is this, August?

Mr. Wham: Yes.

679 Q. (By Mr. Wham.) Is that right?

A. Yes, sir, I said more than that.

Q. Did he have your name there?

A. What?

Q. Did he have your signature there?

A. He took his cap off, and says, "I have your membership book, I have it ready for you."

Q. What was it, a card or a list or what?

A. It was a book.

Q. It was a book?

A. Yes, it was a book, a membership book of the Independent Union of Craftsmen. I think it was about that small size booklet (indicating).

Trial Examiner McCarthy: Two by three inches.

A. Something like that, with a dark green cover, something like that.

Q. (By Mr. Wham.) Is that the same kind of book that Kowatch had on April 27th?

A. No, this was specially printed for that purpose, see.

Q. And your name was in it?

A. He told me. I didn't want to look at it, because—I didn't want to take a look at it, because I told him I would be jumped on.

Q. Did he say that you had actually signed in that book?

A. He says, "There is your book, membership
680 book, ready for you. I have everything ready for you, see, all you have to do is just pay your dues."

Q. He didn't say that you had actually signed that book?

A. That I had signed it there?

Q. Yes.

A. No, he didn't say that, but when he mentioned it, showed it to me, "Here is your book", I says, "I don't want to look at it, I don't want to take a look at it." I says, "How could you have my book when I never signed for it?"

Q. I know, but what was there about it which made you say he forged your signature?

A. That is what I am going to say now; I said, "Who forged that signature?"

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Was your signature in that book or was it just typewritten in, and he said all you have to do is just pay the 50 cents? By paying the 50 cents apparently you would be in the union, but if you didn't pay the 50 cents they could put your name down just like an employee on the payroll?

A. Here is the idea. The membership book already was printed, the Independent Union of Craftsmen already printed the membership book.

Q. The members' names were printed in there?

A. Not the members' names, but the fellows—it 681 was for those who paid the dues.

Q. Yes.

A. Whoever this book would be issued to, it would be put down in there.

Q. It may be somebody collects 50 cents and he puts down the man's name. That is not forgery, you know. If I put down "John Smith, received 50 cents from John Smith", that would not mean forging John Smith's name. That is a record. What counsel is trying to find out is what makes you think there was forgery, somebody put your name down and made it appear as if it was your name.

A. That way it is, how I got that idea, you see, when Kowatch approached me, I think about the 27th of April, or thereabouts, with that notebook, with my name in that booklet, with the rest of those who were probably members in the Independent Union at that time—

Q. (By Mr. Wham.) Who had signed but not paid—

A. Wait a minute; yes. Then he said they were signed but not paid.

Q. Trial Examiner McCarthy: Yes.

A. Then after that the union issued its own membership book. They issued the membership book with the fellows in it, and I suppose they had filled it out with the names of the employees in the department who work there.

Q. (By Trial Examiner McCarthy.) What is the 682 reason you felt that he forged your name?

A. When he came to me and said, "I have not your membership book ready", my impression was my name was already on the list, that I filled out an application and the book is issued on the basis of that, and I asked who forged my name.

Q. Because it was in Kowatch's book on April 27th "Signed but refused to pay"?

A. Yes.

Q. I see.

A. Therefore I began to get that idea, see.

Cross-Examination (Resumed).

Q. (By Mr. Wham.) You are referring back then to the original list in April?

A. Yes, it was on a question as to my dues. How could a membership book be issued to me, ready to pay the dues, when I never signed it?

Q. All right. Now, on June 2nd and 3rd, or rather, June 2nd or 3rd, you talked to Erickson. Is that Russell Erickson?

A. Yes, sir, the time keeper.

Q. Is he a supervisor or not?

Trial Examiner McCarthy: He said he is a time keeper.

The Witness: I know he is a time keeper in the foundry.

Q. (By Mr. Wham.) Would that be any supervisory capacity?

A. I don't know, sir, what other title he may have, 683 but I know he is a time keeper, he keeps our time.

Q. He asked you at that time to pay an initiation fee, didn't he?

A. Yes.

Q. And you had some conversation with him, and he said, "What does the company care about what people think; the company gives you the job, not the Labor Board", and so on.

Was there any further conversation at that time?

A. Well, that was approximately that. He said when he saw—he approached me to pay my initiation fee, see, and he also had a book—I mean the narrow strip with the check numbers of the employees, and he also had a small ticket form, like cards, and he wanted me to fill that in, to sign the application or pay the initiation fee to the Independent Union of Craftsmen; and I refused.

I also says, "Why do you go around and try to force the employees to sign when you know in your heart and mind they don't want to join that union, but because when it comes from the office with the check numbers they have to?"

Q. (By Trial Examiner McCarthy.) What is that?

A. Otherwise, they would resist. When Erickson comes with the check numbers they wouldn't try to resist. When I mentioned the fact to him, he says, "Fuck the people, what does the company care what the people think, and how

the people feel; as long as they can prove to the Government that they have a majority, that the company has the majority."

Then he added to it, he says, "The company is the one that gives you the job, not the Labor Board."

Q. (By Mr. Wham.) In other words, Erickson talked as if he was working for the company when he was working for the Independent Union?

A. It was evident from his own statement; I got that impression.

Q. That he was?

A. What?

Q. It was evident that he was?

A. I wouldn't say he was, but that is the way he put it, and that is the way we employees understood it there among us. I don't know—

Q. You understood it that way. You say "we" understood it.

A. Well, that was the impression, and that was my impression, too, yes, when he said that we should stick with the company, and then sign for that union, or the one that he was soliciting for; and he said it is the company that gives you the job, and not the Government Labor Board; so what inference you may draw from it—

Q. You understood that the company was behind the Independent Union, then?

A. Well, I wouldn't say that the company was, but that was somewhat my impression.

685 Q. That was what you understood?

A. I may be wrong, you know, but that was my impression.

Q. You had another conversation with Julius Robinson at the time you were discharged?

A. What?

Mr. Wham: Read that question.

(Question read.)

Trial Examiner McCarthy: November 9th?

A. Well, that was during lunch hour, noontime.

Q. (By Mr. Wham.) Did I understand you to say that Robinson told you that they are going to cut your heads off?

A. Well, let me repeat fully as near as I can recollect, see.

During the lunch hour, you see, when I came back to the foundry from the restaurant where I usually eat, where I usually go out for lunch; between the time when I came

back to the foundry, I went to see some of our good friends of our union, see, on that and let them know that I believed that I would be kicked out that day, out of the foundry, because the time keeper took all the labor cards and the time cards from me.

So I went to our friends there and I told them that they should not be discouraged by that, because prior to that, I think a couple of days, there was a lay off of a few people.

686 Q. That is not an answer to my question.

A. All right.

Q. Let me try to get it down to my question.

A. Also he was sitting down on the floor next to the place where he was working, where he was usually working. Then I come to him and also—

Q. (By Trial Examiner McCarthy.) Who is "he"?

A. Mr. Julius Robinson. Also I told him that I feel that I am going to be kicked out, see.

"Well", he says, "What do you mean?"

I told him the time keeper there took my labor cards with the reports of the job done so far, and things like that.

Then he said, "Well, I don't care about other fellows, but I hate to see you go."

I says, "That is all right", things like that.

Then he said, "Well, I know they will cut the heads off the fellows, there will be a lot of shedding going on."

Q. (By Trial Examiner McCarthy.) What do you mean by that?

A. I don't know what he meant, but I understand—I don't know—that there will be a lot of monkey business going on.

Q. (By Mr. Wham.) Did you understand him to mean that there was a deal on between the Independent and the company to discharge the C. I. O. members first?

A. No, no; I don't know, I am just stating that conversation that took place between me and him, so I
687 think he can speak for himself best if that is required to be here. I am just stating what I hear, including the conversation.

Q. You solicited for the C. I. O. while you were still employed in the company, didn't you?

A. Solicited where?

Q. In the plant.

A. Yes, sir, during the lunch hour, before we started to work and after that, outside, anywhere I could get hold of them.

Q. Nothing wrong about that, was there?

498. *Witness for National Labor Relations Board.*

A. As far as I can see there was nothing wrong about getting members in the union. I think it was all right.

Q. Did you ever solicit during working hours?

A. No, sir.

Q. Did you ever discuss any C. I. O. matters during working hours?

A. No, sir, not that I can recall. As a matter of fact, the understanding and advice of our union was to confine it at our union meetings, and to understand that the time that we are working during the working hours in the plant, that belongs to the company, and we are not to interfere with the company's course of production, and we followed that to the best of our ability.

Q. Did you ever see anybody soliciting for the C. I. O. on company time?

688 A. No.

Q. Did you ever see any literature distributed for the C. I. O. throughout the plant or in the plant?

A. In the plant, yes, I was the one that done it during the lunch hour, that is, the leaflets.

Q. You passed out literature during the lunch hour?

A. Please tell me what you mean by literature.

Q. Well, anything—

Trial Examiner McCarthy: Any printed matter, leaflets, handbills.

A. Handbills and invitations to the meetings, that is all.

Q. (By Mr. Wham.) You have seen that done there during working hours?

A. Yes, sir.

Q. You have done it yourself?

A. Yes, sir.

Mr. Wham: That is all.

Mr. Seyfarth: Will you mark this blueprint Respondent's Exhibit 1 for identification.

(Thereupon the document above referred to was marked "Respondent's Exhibit No. 1", for identification.)

Cross-Examination.

Q. (By Mr. Seyfarth.) Mr. Bozurich, I hand you a blueprint and I ask you if you recognize on this blueprint
689 the building in which you worked for the Link Belt Company.

(Handing document to the witness.)

A. Well, I am not an engineer, you know, but I can recognize the iron floor, I see this (indicating).

Mr. Seyfarth: The witness is indicating marks which

are identified by the legend "Iron floor, sprocket floor, steel floor, machine floor", and so forth.

Q. (By Mr. Seyfarth.) That is the building, Mr. Bozurich?

A. Yes, that is about the lay out. This is the iron floor, and this is known as the side floor, the sprocket floor where the sprockets are made, and the machine floor (indicating).

Q. (By Trial Examiner McCarthy.) In other words, the markings on there are correct?

Q. (By Mr. Seyfarth.) Are they true and correct?

A. And the roller floor, yes, the markings is correct, yes, sir.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Now, where do you work? We are talking about that job where you said you lost your seniority. Where did you work on that floor?

A. Now, see here (indicating); you see when I started working I was put to work in this end here (indicating). That is known as the south end. And then about seven or eight months approximately from there I was shifted over here (indicating) to the sprocket floor, between the 690 sprocket floor and the machine floor. This is about right. Here is the posts (indicating), that indicates the posts. I think it was somewhere near here. From here later on about two months or so prior to my lay off or discharge I was put back next to the cores (indicating).

Q. But you were still practically in the same room?

A. I am in the same room?

Q. Yes.

A. I was just about here (indicating).

Q. Now, how did that operate to wipe out your seniority?

A. Now, you see, Mr. Examiner, when I was shifted here—

Q. You mean from the south end to the sprocket room?

A. Yes, sir, and other young lads were put to work there.

Q. In the south end?

A. Well, some of them—

Q. (By Mr. Seyfarth.) Just a minute, Mr. Witness. Do you know the names of the men that were put to work?

Trial Examiner McCarthy: We can go back to that.

Q. (By Mr. Seyfarth.) (Continuing.) After you were shifted, on the iron floor after you were shifted?

Trial Examiner McCarthy: I want to get the principle, and then you can develop the details.

A. There was one who was there—

Q. (By Trial Examiner McCarthy.) Just a minute. When you moved from the south end to the sprocket room, your point is another man, or other men were hired in the south end?

A. He was brought from somewhere else.

Q. Transferred?

A. Transferred.

Q. All right.

A. I think from the iron floor or somewhere.

Q. It does not make any difference where they came from. You say they moved into the south end?

A. That is it.

Q. Into the place where you vacated?

A. Yes.

Q. Then you moved up to the sprocket room?

A. Then I was there a month or two, and then I was shifted here (indicating).

Q. To the sprocket room?

A. To the north end.

Q. To the north end?

A. Then these gentlemen were moved somewhere there back again.

Q. Yes.

A. Then I was working here (indicating) and the other fellow by the name of Gus, a molder, he was working second or third place from me on the molders, and when they left, there was nobody but the old timers 692 and the two of us; that was the point, and Mr. Skeets came and says, "This is your department."

Q. What difference would it have made if you had stayed in the south end all during your period of employment with the Link Belt Company? What effect would that have had on it even if you had stayed there during all your period of employment with the plant?

A. What effect that would have on what?

Q. On your seniority. Those new men couldn't have had any effect.

Q. (By Mr. Seyfarth.) Is that the point?

A. That is not the point. The point I was arguing with Mr. Skeets was when he comes and says, "This is

your department", as I was ordered there by the big boss. He says, "That is your department, and you two fellows are the newest in this particular department."

Q. (By Trial Examiner McCarthy.) In what is marked the iron floor?

A. In what is marked as the iron floor, where they have the heavy castings. "Well", I said, "Don't you know that this is all the molding floor?"

Q. Your point is that the iron floor and the sprocket room should be—

A. It is the molding floor.

Q. It is the molding floor?

693 A. It is the molding floor, it is not divided into departments, Iron floor and sprocket floor, you know. It depends on the size of the castings, you see, the heavy castings are made here (indicating), so it requires—

Q. Now, let me follow this a little further for just a minute. These new men that moved into the south end of the floor after you were hired were transferred to the sprocket room or some place else after you moved from the sprocket room to the north end?

A. Yes.

Q. How did that affect the line of workers in the iron room?

A. How did it affect them? Our seniority rights, or what?

Q. Your seniority, that is the only thing we are asking about now. Your point is you were discriminated against because by shifting you around you lost your seniority position.

A. You see, if I would remain on this sprocket floor during the time when I was laid off—

Q. These men that came in behind you would be junior to you?

A. They would be junior to me, don't you see, but because before I was laid off I was put back here (indicating); besides they were scattered around here, the other young fellows (indicating), I lost my seniority.

694 Do you get the point?

Q. Yes.

A. Thank you.

Mr. Seyfarth: May I continue with my cross-examination?

Trial Examiner McCarthy: Have you offered that to be admitted?

Mr. Seyfarth: No, it is merely for identification purposes.

Cross-Examination (Resumed).

Q. (By Mr. Seyfarth.) We are talking about this blueprint. You are familiar now with this blueprint of the foundry, are you, Mr. Bozurich?

A. As far as I can see the layout.

Q. What was the general character of the work performed on the iron floor?

A. What do you mean by general character?

Q. What did you make there?

A. Oh, a variety of castings, all sizes of castings that would be turned over to me.

Q. What kind of castings?

A. Well, I hardly could name all the types of castings that I was making there.

Q. Name a few of them.

A. Let's see, gears, clutch drums, and your sprockets, flywheels, gear housings, machine stands, and a variety of them things, you know. I can't recollect all them things.

Q. Would you say that the work was heavy or large work in comparison with other work which was done in the foundry?

A. Whether it was larger than others or smaller?

Q. That is right, whether it was larger or smaller than others.

A. In general, it was the smallest.

Q. The smallest work?

A. Not the smallest, but I mean it was not as big as other molds would be.

Q. (By Trial Examiner McCarthy.) In other words, did the Link Belt make larger molds than you worked on?

A. Yes.

Q. (By Mr. Seyfarth.) Where did they make them?

A. On the same floor.

Q. On the iron floor?

A. On the iron floor, yes.

Q. Well, a large variety of castings were made on the iron floor, is that right?

A. Yes.

Q. And they range in size from small castings to large castings?

A. No, no, it would be according to this, you see, the

molds would be lined up on that floor. Everyone has a place where he would work. In the morning the boss 696 called us down to the place where the patterns would be piled up, and gives us the orders, gives you this job and gives you that job.

Q. It depends on the kind of patterns, is that right?

A. Yes, whatever he hands over to me.

Q. (By Mr. Seyfarth.) I don't think you understood me. I am trying to find out the kind of work done on the iron floor in relation to the work done in the other departments of the foundry.

Now, can you explain that in your own words?

A. Well, I don't know, pardon me, what you are driving at.

Q. I am just—

Trial Examiner McCarthy: Read the question, please. (Question read.)

A. Let me give an illustration, because with my English it is hard to explain.

If one customer comes and wants this size table, (indicating) a big table, we would make that big size table or casting on the iron floor, or the big floor, because that is better for the heavy jobs; but let us say Mr. Berry comes and wants just some small size castings, then we work on the molds, work on that lighter job.

Q. (By Trial Examiner McCarthy.) Where would that work be done, that is what he wants to know.

A. On the side floor.

697 Q. On the side floor?

A. Yes, sir.

Q. (By Mr. Seyfarth.) In other words, the heavy work was done on the iron floor?

A. Yes, on the iron floor, the main floor, we call it.

Q. Now, we have got that straight. Are you familiar with the work done on the sprocket floor?

A. Yes, sir.

Q. What kind of work was done on the sprocket floor?

A. Well, I have nothing but the sprockets, you know, wheels.

Q. (By Trial Examiner McCarthy.) That is small, light stuff?

A. Light stuff.

Q. (By Mr. Seyfarth.) Small, light stuff?

A. Yes. You see, that comes again in different sizes. That is molded on main floor whenever there would be a

big size. The smaller size goes again to the smaller floor,

Q. To the side floor?

A. To the side floor. If it is a still smaller casting, then it goes to the bench, and the molder still would have a lighter job.

Q. Generally speaking, would you say that the sprocket work is the main item on the side floor or the sprocket floor?

A. You see, the company has a department—

Trial Examiner McCarthy: You can answer that 698 yes or no.

Mr. Seyfarth: Answer that yes or no.

Trial Examiner McCarthy: Read the question.

(Question read.)

A. As a rule, yes.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) The sprocket floor is sometimes known as the side floor?

A. Well, when we have—

Trial Examiner McCarthy: Answer yes or no.

A. Yes.

Trial Examiner McCarthy: We are trying to get through here.

The Witness: All right.

Q. (By Mr. Seyfarth.) Are you familiar with the work done in the cleaning department?

A. Do you mean in the chipper department?

Q. Yes.

A. What do you mean, am I familiar with the work?

Q. Do you know what work is done there?

A. Yes.

Q. Did you ever work in that department?

A. No.

Q. Do you know what kind of work is done in that department?

699 A. Naturally, I see the men working there.

Q. That is all right, but what kind of work is performed in that department?

A. Cleaning, chipping, valving, grinding, that is all.

Q. (By Trial Examiner McCarthy.) Sort of finishing?

A. Finishing.

Q. Is that what it is, is that the way you would define it?

A. Yes.

Q. (By Mr. Seyfarth.) That is right, it is finishing?

A. Yes, sir.

Trial Examiner McCarthy: Now, the chipping room is at the south end.

Mr. Seyfarth: The chipping room is at the south end.

The Witness: The south end.

Q. (By Mr. Seyfarth.) Are you familiar with the department known as the bench floor?

A. Familiar, in what sense?

Q. (By Trial Examiner McCarthy.) Did you ever work there?

Q. (By Mr. Seyfarth.) Do you know what kind of work is performed on the bench floor?

A. Yes.

Q. What kind of work is performed there?

A. You mean—you refer to the type of work or the operation?

Q. Both. They are the same.

700 A. Well, in principle the operation is the same as on the big jobs.

Q. (By Trial Examiner McCarthy.) On the iron floor?

A. On the iron floor. The only exception as far as that part of the operation is concerned, it does not require that much skill as on the heavy floor, where the heavy castings are made.

Q. (By Mr. Seyfarth.) Well, do they perform work on a lighter casting on the bench floor?

A. The lighter castings, yes, the smaller castings.

Q. Is the work performed on the bench floor, with relation to the size of the casting, smaller than that performed on the side floor?

A. Yes, sir.

Q. In other words, does it go by degrees? The heavier casting is performed on the iron floor?

A. No, the main floor, it is the same.

Q. (By Trial Examiner McCarthy.) That is known as the iron floor, isn't it?

Q. (By Mr. Seyfarth.) Let us designate it this way. Let us call the main floor the iron floor.

A. Yes.

Q. The heavier work is performed on the iron floor?

A. All right.

Q. And lighter work is performed on the sprocket floor?

701 A. On the side floor.

Trial Examiner McCarthy: On the side floor, that is right.

Mr. Seyfarth: On the side floor. And still lighter work is performed on the bench floor?

A. Yes, sir, and the squeezer.

Q. (By Mr. Seyfarth.) Now, there is a department known as the squeezer floor?

A. Yes.

Q. You say lighter work is also performed on the squeezer floor as well as on the bench floor?

A. Yes, sir.

Q. Would you say that the squeezer floor and the bench floor are the same?

A. The same type of castings or a similar type of castings can be made, also are made on the squeezer, but a different operation, that is, it is somewhat different. It requires less experience to operate the squeezer than the bench.

Q. Now, are you familiar with the work performed on the roller floor?

A. It is almost—yes.

Q. What kind of work is performed there?

A. It is almost next to the bench work, it is lighter bench work.

Q. Would you say it has the lowest degree of skill 702 in molding?

A. I think I would class it as about bench floor work.

Q. (By Trial Examiner McCarthy.) Then the squeezer is lower than the roller floor?

A. Yes.

Q. The squeezer requires less experience on the part of the worker than is required in the roller, is that your opinion?

A. Well, that depends what sort of rollers are made, you see. If the rollers are made, let us say, in such a manner as the other jobs are made on the bench, then it requires an operation as on the bench; but if the rollers are made in a different way, then I think it is next.

Q. It is all addressed to the work of a molder on these floors, is that correct?

A. Yes.

Mr. Seyfarth: I understand—

Trial Examiner McCarthy: In other words, is there molder work on a roller? Do you have molders in all of those operations?

The Witness: That is it.

Q. (By Trial Examiner McCarthy.) On the iron floor?

A. And the side floor.

Q. The side floor?

A. And the bench.

703 Q. The bench and the squeezer?

A. Yes, sir.

Q. And then you have the roller?

A. The roller, let me explain, that is where I don't like to be confused on that point. There is one certain job on these rollers, see, that the Link Belt has so much use of it, that they need a few fellows to work on that particular job right along, on the rollers, and once you are used to it, you just put it over, you just go through it there, and over and over and over.

Q. (By Mr. Seyfarth.) Now, are you familiar with the work performed on the machine floor?

A. Yes, sir.

Q. What is done there?

A. The machine floor, the operation is almost similar to the squeezer, but with a bigger size of castings, bigger size of machines, but it is also known as plate work.

Q. (By Trial Examiner McCarthy.) What is the difference between the work done on the bench which is larger than the squeezer and the work done on the machine floor? Why do they have the two of them?

A. You mean the squeezer?

Q. Why do they have the machine and the bench?

A. The squeezer you mean?

Q. No, the squeezer, it is small work?

704 A. Smaller machine work.

Q. Smaller machine work?

A. Yes. Well, you see, I will illustrate—

Q. Here is a piece of paper.

(Handing paper to the witness.)

A. With your permission, Mr. Examiner, I can give you a photographic picture. I have some with me, if you care to see them.

Q. That will be fine.

A. That will help me, and maybe it will help you if I show them to you.

Q. Show them to counsel for the Respondent.

A. Well, would you mind, please, coming up here? This is a blueprint, that is why I can't read it, so I will show you.

Here is a squeezer and everything. Just a second, just a second, I will show you. Now, here you see, this is

machine work, but on a smaller type of casting. You see this is a squeezer (indicating).

Trial Examiner McCarthy: Just a minute, what are you referring to? We want that identified.

A. "The Foundry", an old trade magazine.

Mr. Seyfarth: He is referring to certain pictures appearing on page 81 of a publication entitled "The Foundry", July, 1937 issue.

The Witness: Yes. Now, I will illustrate to you.

705 This is the squeezer here, a small type of machine, for a small type of job. You see, the size of the flask. This is the machine floor, a bigger size machine floor, where the bigger castings are made, and also on the plate (indicating pictures).

Q. (By Mr. Seyfarth.) Don't they need a crane on the machine floor where they do not need one on the squeezers?

A. On the squeezer, it don't need no crane.

Q. On the machine floor they do need a crane?

A. Whenever the casting is large. Sometimes the employees get on each end and move it, and sometimes if it is too heavy they use a crane. Now, this is also a type of squeezer (indicating). Those are illustrations in that particular magazine, and things like that; see.

Now, there are other pictures that could be used to illustrate and clarify what I mean. Well, just another thing, that is known as a floor lay-out, for some bigger job (indicating).

Q. (By Trial Examiner McCarthy.) Is that similar to the iron or main floor?

A. Similar to the iron or main floor, yes.

Mr. Seyfarth: The witness is referring to a picture on page 20 of the July, 1937 issue of "The Foundry".

Q. (By Mr. Seyfarth.) Are you familiar with the kind of work performed in the core room?

706 A. In the sense of knowing what is done there, yes.

Q. What is done there?

A. Well, the cores are made there that the molders use.

Q. Are they large or small cores?

A. According to the size of the pattern and requirements or specifications of the castings.

Q. They make all cores in the core room, whether they be large cores or small cores?

A. Small or large—

Q. They are all made in the core room?

A. They are all made in the core room.

Q. Are you familiar with the work done on the steel floor?

A. Yes, sir.

Q. What kind of work is done there?

A. You refer to the operation, or what?

Q. Just answer it the same way as you have answered the others.

A. I can't be familiar with all the work done there, but it is also used to do different things. I don't know what you mean by "familiar".

Q. (By Trial Examiner McCarthy.) What kind of work is done there?

Q. (By Mr. Seyfarth.) What kind of work is done there?

A. Almost the same type of castings as in the grey iron foundry.

707 Q. (By Trial Examiner McCarthy.) Why do they have a separate room known as the steel room? What is the reason for that?

A. Well, the difference between the iron and steel castings, there is a difference in the physical composition of the castings.

Q. (By Mr. Seyfarth.) There is a difference in the type of metal used?

A. That is right.

Q. Now, when you worked for the Link Belt Company was the foundry a one story building?

A. Up to the late months before I went out, until they were remodeling it, and raised it up to the second floor, you know.

Q. Did the second story occupy the entire area of the building, or was it just on one side?

A. It was over the side floor and the bench floor.

Q. Over the side floor and the bench floor they put a second story?

A. A second story, yes.


Q. Do you know what was kept on the second floor?

Q. (By Trial Examiner McCarthy.) Did you ever work up there?

A. No, sir, I was not, because it is just about that time when I was laid off. Then the company began moving up the squeezers and probably the benches, whatever it would be.

708 Q. In other words, you were not there when they started to move?

A. I couldn't say.



Q. You don't know?

A. No, I don't.

Q. (By Mr. Seyfarth.) Do you know how long the building known as the foundry building is?

A. Which?

Q. (By Trial Examiner McCarthy.) How long is it?

Q. (By Mr. Seyfarth.) How many feet?

A. The entire building.

Q. (By Trial Examiner McCarthy.) Yes, the entire building?

A. Oh, I don't know how long.

Q. (By Mr. Seyfarth.) Would you say between four and five hundred feet long?

A. I don't know, that would be approximate, but I never paid any attention to it.

Q. Do you know how wide that building is?

Q. (By Trial Examiner McCarthy.) Is it a square building or is it oblong?

A. It is oblong. It was wide, I would say sixty, seventy, eighty feet, something like that.

Q. (By Mr. Seyfarth.) Do you know approximately how many employees worked in the foundry building?

A. In the foundry all together?

709 Q. Yes.

A. I don't know exactly, you see, but according to the fellows who probably knew about it, I would say about two hundred and seventy-five, maybe some would say three hundred, things like that; but I never took the trouble to find it out, you see, because it is none of my business.

Q. Did you make parts for motors?

A. For what?

Q. For motors, in the foundry?

A. Molders?

Q. Yes.

A. What molders do you refer to?

Q. Gasoline engines, and one thing and another?

A. No, not in this foundry.

Q. Did you make parts for cranes?

A. Yes, sir.

Q. What kind of parts did you make?

A. Oh, there would be gears—

Trial Examiner McCarthy: What is the purpose of this line of questioning, is he as competent to testify to the types of operation as is Mr. Berry, or are you testing him?

Mr. Seyfarth: I want to test this witness' knowledge.

Trial Examiner McCarthy: After all, his testimony is not the best evidence as to operations. I think I see what you have in mind, but let us get over it. We 710 have been dragging along here for quite a while. It is bound to be repetitious, because I assume Mr. Berry will clarify a lot of points in a clear way much more competently because that is in the nature course of his work.

Mr. Seyfarth: I assume that is correct, Mr. Examiner, because this witness only worked—

Trial Examiner McCarthy: He is only a molder.

Mr. Seyfarth: —only worked in one section of the building.

Trial Examiner McCarthy: Yes.

Mr. Seyfarth: That is exactly what I would like to bring out.

Q. (By Mr. Seyfarth.) You first started working on the south end of the iron floor, is that correct?

A. Correct.

Q. What did you do there?

A. The same casting, the same thing I was doing on the molder on the side floor, whatever the foreman would give me to mold.

Q. (By Trial Examiner McCarthy.) Molding?

A. Molding.

Q. (By Mr. Seyfarth.) What did you mold on the south end of the iron floor?

A. What did I mold?

Q. Yes.

711 A. Different kinds of castings.

Q. (By Trial Examiner McCarthy.) It depended upon what kind of patterns they gave you, is that right?

A. Yes, sir.

Q. What kind of patterns did the boss give you?

A. I can't recollect, because every day I got two or three different kinds of patterns.

Q. (By Mr. Seyfarth.) Tell us generally what kind of patterns you would get.

A. It would be gears, flywheels, or machine stands, or gear housing, something like that, along that line.

Q. You had done that type of work for many years prior to coming to the Link Belt Company, hadn't you?

A. Yes, sir.

Q. You were experienced in doing this type of work, were you?

512 *Witness for National Labor Relations Board.*

A. I had always done it to the satisfaction of every company that I was with. I was never fired until I came to Link Belt.

Mr. Seyfarth: I don't think that is responsive to my question.

Will you read the question again?

Trial Examiner McCarthy: Read the question and answer, please.

(Question and answer read.)

712 Trial Examiner McCarthy: You can say yes or no.

A. Yes.

Q. (By Mr. Seyfarth.) In your application for employment with the Link Belt Company did you state to them that you had experience on the grey iron bench?

A. Yes.

Q. In other words,—

A. Grey iron and the steel bench and floor.

Q. In other words, that was your speciality, was it, Mr. Bozurich?

Q. (By Trial Examiner McCarthy.) Have you got any specialty? Are you a specialist in any particular kind of molding?

A. No, I considered I was an all around molder, iron or steel work, any kind of foundry work. Of course, there are other foundries, like glass foundries, that I don't consider in this.

Q. Is there any such thing as a specialist in molding?

A. No.

Q. (By Mr. Seyfarth.) Can a molder do better molding in small work than he can in large work?

A. You see—

Q. Just answer yes or no.

Trial Examiner McCarthy: Answer it yes or no, and then explain your answer.

A. Yes.

713 Trial Examiner McCarthy: If you want to explain your answer, go ahead and do so.

A. Yes. On small work, usually on that work it does not require as close attention as the big work.

Q. (By Trial Examiner McCarthy.) And you were accustomed to give your work close attention?

A. Whenever it required it, whenever it needed it, I did.

Trial Examiner McCarthy: The witness claims he is an all around molder, not a specialist.

Mr. Seyfarth: I just asked the witness now, and I would like to have him answer.

Mr. Reynolds: He gave you an answer.

Mr. Seyfarth: What was it?

Trial Examiner McCarthy: Read the question and answer, please.

(Question and answer read.)

Q. (By Mr. Seyfarth.) For how long a period did you do molding on the south end of the iron floor?

A. Well, I couldn't recollect the dates exactly, but I think—

Trial Examiner McCarthy: Just approximately.

A. Approximately, about two months before I was laid off, maybe a little more or a little less.

Q. (By Trial Examiner McCarthy.) Is that correct? You came in there eighteen months before you were laid off?

714 A. Yes.

Q. At the south end?

A. Yes.

Q. How long did you work at the south end?

A. As I recall, maybe—

Q. Your previous testimony was that you worked nine months at the south end.

A. Approximately eight or nine months.

Q. Then you went to the sprocket floor?

A. The side floor.

Q. The side floor. How long did you work there, about?

A. I think it was during the summer.

Q. Say three months?

A. It would be a little more than that.

Q. Then you moved to the north end and worked there three months?

A. A little more or so.

Q. About that?

A. I couldn't say exactly, I didn't keep the dates.

Q. (By Mr. Seyfarth.) Do you know why you were transferred from the south end of the iron floor to the sprocket floor?

A. Certainly, sir.

Q. What kind of work did you do on the sprocket floor?

A. Almost the same kind of work I would be doing on the main floor; but on the side floor one day my 715 foreman came to me and said to me, "Paul"—

Q. Just a minute.

Trial Examiner McCarthy: He is trying to explain.

Mr. Seyfarth: No, he is away ahead of me, he is trying to explain why he was transferred to the north end. I want to stay on the sprocket floor a little while if the witness will let me.

The Witness: Go ahead.

Q. (By Mr. Seyfarth.) What kind of work did you do on the sprocket floor with regard to your job there?

A. I continued the same type of work I would do on the south end floor.

Q. Did you make the same kind of moldings on the sprocket floor as you made on the iron floor?

Trial Examiner McCarthy: Now, we will have to stop this. The witness has explained very thoroughly it was heavy work on the iron floor and small work on the sprocket floor. That is his evidence. I don't know what counsel is trying to develop right now, but it is repetitious.

Q. (By Mr. Seyfarth.) Did you make molds for work gears on the sprocket floor?

A. Yes.

Q. Why didn't you tell us about that?

A. I said when I was shifted to the side floor or the sprocket floor. Then you called for work on the 716 same floor; and he would give me the job—

Trial Examiner McCarthy: We don't care about the foreman.

Q. (By Mr. Seyfarth.) I don't care about the foreman, I am asking you about the type of work.

A. I would do almost exactly the same type as I was doing on the main floor.

Q. (By Trial Examiner McCarthy.) On the sprocket floor the work is of a lighter character, it is lighter jobs, isn't it?

A. Naturally.

Q. That is why it goes to the sprocket floor, is that correct?

A. No, here is the idea. When I was shifted to the side floor, does to the space, the small space there I was assigned to work in, and also—well, there was a mold over there, and the foreman would take over to me the lighter castings because there was not space for the big castings.

Q. Isn't it true that ordinarily you make lighter castings on the sprocket floor on the iron floor?

A. Yes, sir.

Q. (By Mr. Seyfarth.) You were making molds for worm gears on the sprocket floor?

A. Yes, sir, small worm gears.

Q. Did they make those small worm gears on the iron floor?

A. Yes, sir.

717 Q. (By Trfal. Examiner McCarthy.) Did you make the small worm gears on the iron floor?

A. Yes, sir.

Q. (By Mr. Seyfarth.) Did you continue making them on the sprocket floor?

A. Yes, sir, I did.

Q. Do you know why it was that they continued to make small worm gears on the sprocket floor when they had started to make them on the iron floor?

Mr. Reynolds: If the Examiner please, I think he has already explained that.

Trial Examiner McCarthy: Now he is asking the reason why.

Do you know why? Do you know why they continued to make them?

Will you read that question?

(Question read.)

Trial Examiner McCarthy: Do you know why it was? If you don't know, say so.

A. Mr. Examiner, if I am permitted to, I would like to explain.

Trial Examiner McCarthy: Answer that. Do you know?

A. Yes, I know.

Mr. Seyfarth: Now, explain.

Trial Examiner McCarthy: Now, explain your answer.

718 A. For example, at the beginning of the day's work, the foreman comes to me and turns over to me castings of this size, let us say, that the day's work would be—would run about eight hours. Now, I am through with this particular casting or a mold, let us say, about three o'clock, instead of four-thirty or four o'clock. Let us say it would be at three-thirty.

Now, the foreman looks over the jobs I have at my disposal to work on before I go home, and then he turns over to me, see, any other molding, any other small job I can finish before I leave for home, because you cannot start work and leave it in the foundry because—

Q. (By Trial Examiner McCarthy.) It takes less time to make the small casting than the big one?

A. Yes, sir. That is usually what they call a "fill-in", filling in that time instead of waiting until the quitting time.

Trial Examiner McCarthy: That is enough.

The Witness: In such a case I would get either a gear or some other type of casting, and other men got it, too.

Trial Examiner McCarthy: I think that is an answer and an explanation.

The Witness: All right, yes.

Q. (By Mr. Seyfarth.) How did the worm gears that you made on the side floor weigh?

719 A. Oh, I think it would amount to about close to 90 or 100 pounds, if I am correct, I don't know exactly, but I mean that it was approximately that.

Q. Was there a two-ton crane there on the side floor, in the side room?

A. I don't know how many tons, but I believe—

Trial Examiner McCarthy: There was a crane there?

A. There was a crane there.

Q. (By Mr. Seyfarth.) There was also a crane on the iron floor, wasn't there?

A. Yes, sir.

Q. Was the crane on the iron floor a ten-to fifteen ton crane?

A. About that.

Q. Will you state what is the fact regarding the use of the lighter crane for these 80 pound worm gears?

Trial Examiner McCarthy: What is that?

Mr. Seyfarth: Will you read the question? (Question read.)

Trial Examiner McCarthy: That is not clear.

Q. (By Mr. Seyfarth.) With regard to its convenience. In other words, is it more convenient to use a two ton crane for an 80 pound worm gear than to use a ten to fifteen ton crane?

A. May I answer in a little different form?

720 Q. I just want an answer to that question.

A. You see, when you refer to that particular gear, I know which one you refer to, but either on the grey iron floor, on the main floor, or the side floor, wherever that gear is made, we don't use no crane.

Q. (By Trial Examiner McCarthy.) You don't use any crane?

A. No, if you are on the iron floor, or wherever you

are, it is such a type of casting, at that time, that particular time, with this gear, there was a big order for the worm wheel gears. My foreman comes to me and says, "Paul, here is a fine job for you." He says, "I will give it to you."

He probably thought I never made such a job before, because he was a new foreman.

I say, "All right, Bill, I will take the job."

Q. Just a minute—

A. Just a minute.

Q. Is that the time that you got a raise in salary?

A. No, I am speaking about this gear.

Trial Examiner McCarthy: Proceed.

A. He says himself, take a week, take two weeks time on it, practice on it, regardless of how you make it, but make a good job, and don't have too much scrap. It is a three-part mold.

So I took the job, and from the very first day the castings turned out very good because I worked on this 721 job before and I know what I am doing.

There was one order I think around 100 or so on the first order. Then I was through with that order, and the castings came out good, and he brought me another order, then another order.

Trial Examiner McCarthy: What was that to do with the crane?

The Witness: I don't know.

Mr. Seyfarth: I don't think the crane is significant after he was transferred to the side floor or the sprocket room. There was special work—

The Witness: That is not the case.

Q. (By Mr. Seyfarth.) Isn't that the reason you were transferred?

Q. (By Trial Examiner McCarthy.) You could do your work better in the sprocket floor so you got a transfer into the sprocket room?

A. No, no, that work would come later on on the main floor by another man, by Mr. Julius Robinson.

Q. There might be some good reason. Did the work pile up which compelled the man who routes the work throughout the plant to use the sprocket room as additional working space? Is that a fair statement?

A. Well, I don't know.

Q. In other words, the point is that you were transferred from the grey iron floor to the sprocket floor, and then back to the north end of the grey iron

floor and lost your seniority. The Respondent's position is that the work, the necessities of the work, required that transfer.

Now, what is your answer to that, or explanation, if you can make one?

A. Well, the reason why I was changed, but I was told to go where I went.

Q. I see.

A. But wherever I go I would continue to do the same type of work, I mean, in my line of work.

Q. (By Mr. Seyfarth.) Can you answer this question:

Was it more convenient, was there more room to make these worm gears on the sprocket floor than on the iron floor?

A. As a matter of fact, there is larger space on the iron floor than in the particular small place where I was working. There was actually no space there provided for an operator to work in.

Q. And do you say it is not necessary to use a crane with the worm gears of that particular size?

Q. (By Trial Examiner McCarthy.) The 100 pound worm gears?

A. Yes, approximately 90 to 100 pounds, something like that.

Q. (By Mr. Seyfarth.) It is not necessary when you have enough help, in other words?

723 A. Well—

Q. Would a crane be used if you didn't have a helper?

A. No, we can't use it, just we—

Q. Pardon me?

A. We can't use the crane.

Q. Didn't you ever use a crane on one of these worm gears?

A. No, it was handled by hand. It was a small worm gear. It is made in three parts, and you waste time if you wait for a crane. You can roll it over by hand, like that, if somebody comes to help you.

Q. Didn't you get a raise in salary about the time you went over to the sprocket floor to do work on these worm gears?

A. I can't say it was at that time, but I know it was done.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Do you know the approximate date that you were transferred to the sprocket floor?

A. I don't know the approximate date.

Q. The company's records will show when you got the raise. You don't know when you were transferred, though, do you?

A. I think it was—I know it was in the winter time, something like that. I think it was the end of 1936 and the beginning of 1937, something like that.

Q. Is that about the time that you got the raise?

A. Well,—

Q. Along about that time?

724 A. I really can't tell you, because I never kept track.

Q. A man always remembers when he gets an award for good work or something of that kind. Don't you remember?

A. No, I don't remember exactly the date, because there was a number of increases in wages.

Q. That everybody got?

A. That everybody got, not I in particular.

Q. I thought you got a special raise?

A. No, not that I know of, it would go generally.

Q. On a flat scale?

A. On a flat scale, so much percentage or per hour, like that, as far as I know.

Q. (By Mr. Seyfarth.) As far as you know?

A. Yes.

Q. You may have gotten an individual raise, too, mightn't you?

A. I would never know that.

Q. (By Trial Examiner McCarthy.) You would know it if anybody would?

A. What?

Q. You would know better than anybody else if you got more money than the man next to you, wouldn't you?

A. That is right.

Q. You knew how much money Gus was getting, didn't you, or do you?

725 A. Well, I don't know outside of what he himself would say, that is all. Of course, the type of work—
Trial Examiner McCarthy: Just a minute.

Is it your point this witness got an extra raise over the general scale?

Mr. Seyfarth: I would like to find out about that, if the Examiner please.

Mr. Reynolds: If the Examiner please, I suggest that he look at the company's records.

The Witness: Yes, that is the best thing.

Cross-Examination (Resumed).

Q. (By Mr. Seyfarth.) Now, Mr. Witness, you remained on the sprocket floor for two months?

A. Longer than that.

Q. How long?

A. Oh, I think about four or five months, I don't know exactly, I didn't keep track of it, but I know it was about two months or so before I went out from the plant altogether.

Q. (By Trial Examiner McCarthy.) That you were transferred from the sprocket floor?

A. Yes, sir.

Q. In other words, you were only at the north end of the grey iron floor for about two months?

A. About or maybe a little more, I don't remember exactly. I never had it in mind to keep track of it.

726 Q. You don't know?

A. No.

Q. (By Mr. Seyfarth.) Did you state in your direct examination that you were transferred from the sprocket floor to the north end of the iron floor because you kicked about it?

Trial Examiner McCarthy: Kicked about what?

Mr. Seyfarth: That was the expression that he used on direct examination.

A. Well, I said on direct examination, as I can recall, I would complain to my foreman, Bill Morely.

Q. (By Mr. Seyfarth.) What did you say to him?

A. I would complain to him that I would like to be taken back to the place where I originally started, due to the fact that this place was inconvenient for to work.

Q. Did you say it was unsafe?

A. Unsafe, too, yes. It was a dangerous spot because that particular spot, you see—if you have a blueprint here, it will show it to you, I can show it to you.

Q. All right.

(Handing blueprint to the witness.)

A. That was what my complaint was about. It is right there (indicating), I would be right here, somewhere here (indicating). And whenever the molders on this side of the floor would need flasks, the flasks they made the mold of—did you ever see them?

727 Mr. Seyfarth: He is indicating the north end of the floor. Is that right?

The Witness: The side floor.

Mr. Seyfarth: Yes.

The Witness: Whenever the molders that worked on this side floor—

Q. (By Trial Examiner McCarthy.) On the iron floor?

A. The side floor, when they needed a flask they would come back here and pick it up here (indicating).

Q. (By Mr. Seyfarth.) Picked it up where?

A. Somewhere on this floor or bring it from the outside, you know.

Q. (By Trial Examiner McCarthy.) On the crane?

A. On the crane, then they hooked it up on the crane and swung it over to another floor. You see, there was a smaller—

Q. (By Mr. Seyfarth.) And in swinging it from the iron floor to the roller floor or squeezer—

A. No, no, to the side floor.

Trial Examiner McCarthy: To the side floor.

Mr. Seyfarth: To the sprocket floor.

The Witness: To the sprocket floor.

Trial Examiner McCarthy: This is all in reference to Respondent's Exhibit No. 1 for identification?

Mr. Seyfarth: Yes.

The Witness: Whenever they would transfer those
728 things, you see—

Q. (By Trial Examiner McCarthy.) You swung it from the iron floor to the sprocket floor, and then what?

A. There was danger in that swing of bumping into you because I was working right here; also there was a ladle of hot metal there (indicating).

Q. About the center?

A. Next to me.

Q. About the center of the sprocket floor?

A. Yes. If you transferred the hot metal from here, from the cupola—

Q. The cupola?

A. I think it is here (indicating).

Q. The cupola or the furnace is there?

A. Yes. You have to understand—

Q. On the west side of the iron floor. You see, we have to make this clear in the record.

A. That is right. I did complain to him about that when he put me there to work.

Q. (By Mr. Seyfarth.) How many times did you complain?

A. I think several days after I started working there, maybe a week or so after this, then I didn't say anything, see, I just let it go, just let it go.

Trial Examiner McCarthy: We will have a recess for five minutes.

729 (A short recess was taken.)

Mr. Seyfarth: What was the last question?

(Question and answer read.)

Q. (By Mr. Seyfarth.) How many molds for worm gears were you able to make per hour?

Mr. Reynolds: I object to that on the ground that it is immaterial.

Mr. Seyfarth: It is material to show whether or not this man is able to do the work.

Mr. Reynolds: I object further on the ground that there is no charge of inefficiency made by the company in their answer. They allege other grounds.

Trial Examiner McCarthy: That is right, objection sustained.

Mr. Reynolds: Unless they want to amend their answer.

Mr. Seyfarth: I would like to point out at this time, Mr. Examiner, that we are not contending that this man was laid off for inefficiency. That is not the contention. The contention, if it please the Examiner, is that he was transferred from the side room or sprocket room back to the iron floor because he was not able to perform this particular function as well as the other men on the sprocket floor, which has nothing to do with the lay off, but rather, it is going to combat the contention of the witness that

there was a conspiracy here to shift this man around
730 in order to put him in a position where he did not have as much seniority as when he originally started to work.

Trial Examiner McCarthy: The witness may answer on that ground.

Read the question, please.

(Question read.)

A. In that particular work, on that particular gear,

we were working nine hours a day at that time, and my average would be regularly eight gears a day.

Q. (By Mr. Seyfarth.) Eight?

A. Eight gears a day.

Trial Examiner McCarthy: Eight gears a day?

Q. (By Mr. Seyfarth.) Eight gears a day?

A. Yes, sir.

Q. Did your foreman ever complain to you about your slowness in making molds?

A. Never, never.

Trial Examiner McCarthy: Is his foreman named Morely?

Mr. Seyfarth: Morely.

The Witness: Morely.

Trial Examiner McCarthy: Morely was the foreman?

The Witness: Yes.

Q. (By Mr. Seyfarth.) The foreman was W. A. Morely, is that right?

A. We call him Bill.

731 Q. And your foreman never had any such conversation with you, about the speed with which you made molds?

A. No, sir; no, sir.

Q. Did Fred Skeets ever say anything to you about the speed with which you made molds?

A. Never.

Q. You were then transferred to the north end of the iron floor?

A. Finally, yes.

Q. And you stayed there about two months, when you were discharged?

A. Two months or maybe more, a little bit, I don't know exactly.

Q. (By Trial Examiner McCarthy.) About two months?

A. About two months.

Trial Examiner McCarthy: That is near enough.

Q. (By Mr. Seyfarth.) You did the same type of work on the north end of the iron floor as you did on the south end, at each end of the iron floor?

A. Approximately, yes.

Q. Generally speaking, it was the same. Now, calling your attention to the day that you were laid off, Mr. Bozurich, you said that Mr. Erickson asked for the cards?

A. The labor cards.

Trial Examiner McCarthy: The labor shop cards.

732 Mr. Seyfarth: The labor shop cards.

The Witness: The labor shop cards and the time cards, the time cards, you know.

Q. (By Mr. Seyfarth.) Yes. Do you know whether or not this was for the purpose of figuring up the amount of pay you had coming?

A. I don't know, because when he came down he asked for me—for the labor shop cards and the time cards. That was not his habit, of doing this thing before.

Q. You had never been laid off before, had you?

A. I mean, it was never done before that when I was working in there. We returned the cards at the end of the day's work.

Q. My question—

A. I says, "What is this all about, do you fellows intend to kick me out?"

He said, "Paul, you will have to see Skeets about it."

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) My question originally was, had you ever been laid off before. Answer yes or no.

A. You mean in the plant?

Q. In the plant.

A. No.

Q. You testified to a conversation you had with Mr.

Berry on March 3, 1938, at which time you said you
733 were distributing handbills at the gate and Mr. Berry walked up to you and said something. Will you repeat again what it was that Mr. Berry said? I didn't get it.

Trial Examiner McCarthy: I don't think that testimony is material to the issues in this case, it was afterwards.

Mr. Seyfarth: I would like to be straightened out on it. The term he used didn't seem to fit in with the previous situation.

Trial Examiner McCarthy: He said it sounded like they were joshing back and forth.

Q. (By Mr. Seyfarth.) Was it a fact that you were joshing back and forth?

A. It was, he showed it to me, and I showed it to him.

Q. Did you use the word "demonstration"?

A. No, no, menstruation.

Q. Did you ever have any trouble with your hearing?

A. With my hearing?

Q. Yes.

A. I think it is pretty good so far.

Q. Did you ever ask for any other job from the Link Belt Company other than a molder?

A. You mean during the time that I was working or when I filled out the application?

Q. At any time?

A. No.

734 Trial Examiner McCarthy: Let's specify the time. I think it would make a difference if a man was laid off, he might ask for any job.

Q. (By Mr. Seyfarth.) Subsequent to the time that you were laid off, did you ever ask for any other job than that of a molder?

A. Nothing, except I—

Q. Just answer the question.

A. No, not outside of a molder.

Mr. Seyfarth: That is all.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: Just a minute. Mark this Board's Exhibit—the next Board Exhibit number.

(Thereupon the document above referred to was marked "Board's Exhibit No. 17", for identification.)

Redirect Examination.

Q. (By Mr. Reynolds.) I show you this booklet which has been marked Board's Exhibit 17 for identification and ask you if you know what it is?

(Handing document to the witness.)

A. Yes, this is known as a membership book of the Independent Union of Craftsmen.

Q. Did you ever see one of these before?

A. Yes, sir.

735 Q. Who showed you one of them?

A. Once Mr. Julius Robinson showed me when he asked me to pay the dues, and I seen some of the other employees showing theirs, too.

Mr. Reynolds: I will introduce this in evidence as Board's Exhibit 17.

Mr. Wham: May I see it, Mr. Reynolds?

Mr. Reynolds: Yes.

(Handing document to counsel.)

That is all I have.

Trial Examiner McCarthy: It may be received.

(The document heretofore marked "BOARD'S EXHIBIT NO. 17", for identification, was received in evidence.)

Recross Examination.

Q. (By Mr. Wham.) Whose book is this, Board's Exhibit 17?

A. I don't know.

Q. Where did you get it?

A. Mr. Reynolds just gave it to me to look at.

Q. Who?

A. I say, Mr. Reynolds just gave it to me to look at now.

Trial Examiner McCarthy: It is a blank book?

Q. (By Mr. Wham.) You did not produce this?

Trial Examiner McCarthy: Just a minute, It is a blank book, isn't it?

736 Mr. Wham: No, there are some signatures in there.

Q. (By Mr. Wham.) Did you produce this?

Mr. Reynolds: I produced it.

Mr. Wham: Oh, you produced it?

Mr. Reynolds: Yes.

Q. (By Mr. Wham.) Mr. Bozurich, when were you—

Mr. Reynolds: Pardon me just a minute, has this been received?

Trial Examiner McCarthy: It has been received, yes.

Q. (By Mr. Wham.) When you were testifying on direct examination yesterday the Trial Examiner asked you a number of times certain questions, and you would say "I am coming to that." Have you rehearsed this testimony of yours before?

Q. (By Trial Examiner McCarthy.) Do you know what "rehearse" means? Have you arranged it?

A. I know what you mean, to what particular questions do you refer?

Trial Examiner McCarthy: He wants to know whether you have arranged your testimony before?

A. Never, no.

Q. (By Mr. Wham.) You never went through it before?

A. No.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

737 The Witness: Thank you.
(Witness excused.)

JOSEPH LACKHOUSE, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address.

A. Joe Lackhouse, 3838 South Union Avenue.

Q. (By Trial Examiner McCarthy.) How do you spell that name?

A. L-a-c-k-h-o-u-s-e.

Q. (By Mr. Reynolds.) Are you an employee of the Link Belt Company?

A. Yes, sir.

Q. What department do you work in?

A. In the steel cleaning shed.

Q. How long have you worked for the company?

A. Four years.

Q. Are you a member of the C. I. O.?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) What kind of work do you do?

A. Steel cleaning shed and light cutting off, my general work.

738 Q. Cutting off what?

A. Risers on castings.

Q. (By Mr. Reynolds.) When did you join the C. I. O.?

A. Well, approximately the time the first fifty cards were distributed.

Q. In 1936?

A. Yes, sir.

Q. Now, do you remember when the Independent Union was started at the Link Belt Company?

A. Sometime in April, 1937, I think.

Q. Did anyone ask you to join the Independent Union?

A. Yes, sir.

Q. Who?

A. Well, I know my brother come in one time in the steel shed with a piece of paper in his hand, which had a little wording on it, to join the Independent Union. We were all working at that time, but from the noise in there—there is a lot of noise in the chipping room—I couldn't understand what he was talking about, and I asked him to step outside, so we stepped outside, and he showed me the paper, and I said to get out of there.

He says "I have to go around with it", my brother says. That is all that was said. I had nothing to do with that, and he went back to the foundry.

Q. Did anyone else ever ask you to join the Independent Union?

A. There is always discussion down there, fellows coming around, you know, about joining, but I didn't have nothing to do with it.

Mr. Seyfarth: I move that be stricken as not responsive to the question. He is not asking if he had any of that discussion about joining the Independent Union.

Q. (By Trial Examiner McCarthy.) Did you have any other solicitation?

A. Yes.

Q. Who was it, and when?

A. Well, Kowatch at one time.

Q. (By Mr. Reynolds.) Now, do you remember about when it was that Kowatch spoke to you?

A. Yes, that was on April 21st, because I remember that pretty well, I think it was right after the Wagner Law, if I am not mistaken.

Q. Now, what did Mr. Kowatch say?

A. Well, we were discussing about the union and he asked me to join, and I told him no. More or less the conversation was about that. I says to Kowatch, I says, "John", I says, "How is it now that they have done this? We have been working right along for nine hours a day, the whole plant in general was working nine hours a day and they cut it down to eight hours, and they have 740 plenty work for nine hours or more."

"You know," he says, "You know how it is, out of sixty-five men there is only nine in the Independent."

Q. (By Trial Examiner McCarthy.) Sixty-five men where?

A. In the plant, in our department, sixty-five men in our department that was working, and out of sixty-five there is only nine Independent Union workers. "That is the reason, probably," he says, "that if you will get some Independent Union workers in there you could get it back."

Q. What does Kowatch do?

A. He was working in the office in the plant, in the foundry office.

Q. What does he do in the foundry office?

A. I think he takes care of all the work, all the work that comes in and lays it out. I guess that is right, I

don't know what he does, I am not sure, I guess that is what he does, I am not sure.

Q. (By Mr. Reynolds.) Well, did you say anything to Kowatch when he said that?

A. I told him all right, after he says about the nine men out of the sixty-five in the Independent Union. So I had a funny feeling, I guess that is the reason for it. Sure, enough, about three weeks later we came back to the nine hours a day. We had to work a few Saturdays to catch up on the work.

741 Q. Had more men joined the Independent Union at that time?

A. No, sir, not to my recollection.

Q. Did you ever see any solicitation for the C. I. O. during working hours?

A. Yes, there was one young fellow from the steel foundry—

Q. Now, do you understand my question? I said, for the C. I. O., during working hours.

A. No, for the C. I. O.?

Q. Yes.

A. After the Wagner Law there was quite a bit of it.

Q. (By Trial Examiner McCarthy.) During working hours?

A. No, sir.

Trial Examiner McCarthy: Listen to what he says.

Q. (By Mr. Reynolds.) Now, you were going to say that you saw other solicitation for the Independent?

A. Yes, sir.

Q. Who was that?

A. One fellow by the name of Zenon Petrouski, who belongs in the steel foundry.

Q. What did you see him do?

A. What is that?

Q. What did you see him do?

A. Going around with that same slip that I was talking about before. I think he was getting the employees' numbers only, I am not sure. I know there was one that

742 did that, I am not sure who it was; just the employees' numbers. They put their number down.

Q. This was during working hours?

A. Yes, sir.

Q. Who was your foreman?

A. At that time there was a Mr. McKinney.

Q. McKinney?

A. Yes, sir.

Q. Do you know whether or not McKinney observed any of this solicitation for the Independent Union?

A. Wait, I think I am going to change that name. Maybe it was Mr. Peters, Mr. Bill Peters, yes, sir.

Q. Now, do you know whether or not Mr. Peters saw this solicitation going on?

A. Well, I don't know if there is any trouble, but what I heard—

Q. (By Trial Examiner McCarthy.) No, did you see it?

A. No, sir.

Mr. Reynolds: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) What about this fellow, Zenon Petrouski? You say he was getting the employees' numbers?

A. Yes, sir, he was, going with that slip.

Q. What you mean, you saw that was for the union, 743 for some union?

A. On that heading, it says about the Independent Union.

Q. He had some slip of paper at the time?

A. Yes, sir, it had a heading on there, and he come along and ask me, "What is your number?"

I told him, and he put it down there, you know. I says, "No, nothing doing."

Trial Examiner McCarthy: That is all.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) What is your job in the steel cleaning shed?

A. Cutting off risers, off of the steel castings.

Q. You have worked for the Link Belt Company for four years, is that right?

A. Yes, sir.

Q. Still working for the Link Belt Company?

A. Yes, sir.

Q. Have you been an active C. I. O. member?

A. What do you mean, active? I have been a member, yes, sir.

Q. Have you attended the meetings?

A. I have attended a few.

Q. You have worn your button, too, haven't you?

A. What?

744 Q. You have worn your button, haven't you?

A. Yes, sir.

Trial Examiner McCarthy: Is that a sign of activity?

Mr. Seyfarth: It appears that this is a C. I. O. man and he is not laid off, if the Examiner please.

Mr. Reynolds: That is really remarkable, isn't it?

Mr. Seyfarth: It is astounding.

Trial Examiner McCarthy: Excuse me just a minute. I want to ask the previous witness if he wants to put this magazine in evidence.

Mr. Bozurich: Do you want it in? You can have it if you want it.

Trial Examiner McCarthy: No, I think the record is clear enough.

Q. (By Mr. Seyfarth.) Now, you said that your brother was employed by the Link Belt Company.

A. Yes, sir.

Q. What is your brother's name?

A. Frank.

Q. Your father is also employed by the Link Belt Company?

A. Yes, sir.

Q. What is your father's name?

A. George.

Q. Is your brother Frank a foreman?

A. No, sir.

745 Q. Where does he work?

A. In the core room.

Q. Is your father a foreman?

A. No, sir.

Q. Where does he work?

A. In the cupola.

Q. (By Trial Examiner McCarthy.) In the cupola?

A. Yes, sir.

Q. (By Mr. Seyfarth.) Do you remember the approximate date on which your brother asked you to join the Independent Union?

A. He asked me about the 20th, I guess.

Q. (By Trial Examiner McCarthy.) The 20th of what?

A. Of April.

Q. (By Mr. Seyfarth.) The 20th of April?

A. Or the 21st, I don't know.

Q. (By Trial Examiner McCarthy.) Of what year?

A. 1937.

Q. (By Mr. Seyfarth.) What time of the day or night was it?

A. It was in the afternoon, right after noon, about two or one-thirty. We had just got through with our dinner. I am not sure, because I don't want to discriminate, but I know it was during working hours.

Trial Examiner McCarthy: That is enough.

Q. (By Mr. Seyfarth.) He came into the steel cleaning shed?

746 A. Yes, sir.

Q. Then you say that you went outside?

A. I told him to go outside, because I couldn't understand what he was talking about.

Trial Examiner McCarthy: All right, you went outside.

Q. (By Mr. Seyfarth.) Did you follow him outside?

A. Yes, sir.

Q. Was it following that that Kovatch asked you to join the Independent?

A. A couple of days, I don't know, now.

Q. Was it one or two or three or a couple of days?

A. About two.

Q. About two days afterwards?

A. Yes, the 21st, I know that.

Q. Then your brother must have asked you on the 19th, isn't that right?

A. Probably.

Q. You state now that your brother asked you to join the Independent on the 19th?

Trial Examiner McCarthy: He said "probably".

A. It is around in there, two or three days.

Q. (By Mr. Seyfarth.) Do you know Kowatch's first name?

A. John.

Q. What does he do for the Link Belt?

A. He works in the office. I imagine he lays out work.

747 Trial Examiner McCarthy: Don't imagine. What makes you think he lays out work? If you don't know, say so.

A. No, sir.

Q. (By Mr. Seyfarth.) You don't know what he does?

A. No, sir.

Q. Where were you when you talked to Kowatch?

A. Well, this was around during the noon, the lunch hour, and after lunch. He said he would see me later on.

Q. Just a minute, whereabouts did the conversation take place?

A. At that time the core room was in a different position than where it is now, and I used to go over there and eat with the fellows.

Q. It was in the core room?

A. Yes, sir.

Q. Whereabouts in the core room?

A. By the oven.

Q. Is there more than one oven in the core room?

A. One, that is all I know.

Q. What time of day or night was it?

A. Well, this was right at the noon hour at first, but then later on he said he would see me later on. That was when he really discussed it, which I just told you about.

Q. (By Trial Examiner McCarthy.) What time of day was that?

A. About one o'clock or one-thirty.

748 Q. (By Mr. Seyfarth.) You had a conversation with Zenon Petrouski?

A. No conversation, he just asked me to join.

Q. That was the conversation?

A. Yes.

Q. Where did this conversation take place?

A. It was in the steel shed.

Q. Where you were working?

A. Yes, sir.

Q. And on what date?

A. Well, I guess it was—I think my brother came in the morning, and Zenon came in the afternoon; or was it a day later, I couldn't tell you.

Q. It was around the same time?

A. Yes, it was around the same time.

Q. What time of day or night did this conversation take place?

A. I think his was in the afternoon, around two-thirty.

Q. What does Zenon Petrouski do at the Link Belt Company?

A. He is a molder.

Q. (By Trial Examiner McCarthy.) What were you doing in the steel shed?

A. He was coming around with that slip.

Q. What were you doing in the steel shed?

A. That is where I work.

749 Q. That is the same as the steel cleaning shed?

A. Yes, sir.

Q. (By Mr. Seyfarth.) When was it that your division went from a nine to an eight hour day?

A. April 21st, I think that is when—a week later, something like that, we had a new boss in there, something like that, we just got a new boss by the name of McKinney.

Q. Is that when the plant went from nine hours to eight hours a day?

A. Yes, sir.

Q. About how many men are employed in the steel cleaning shed?

A. Well, when I says about that sixty-five, that included the iron. I guess that is what he meant when he said out of sixty-five men only nine are I. U. C. members; so I imagine that he took in the iron chippers and the steel chippers at the same time, because that is under the same supervision.

Q. Your boss did not tell you that, did he?

A. No, sir.

Q. It was Kowatch?

A. Yes, sir.

Q. Your boss was not anywhere around when he told you that, was he?

A. No, sir.

Q. How long did you stay at an eight hour day?

750 A. About three weeks.

Q. Then you went back to nine hours?

A. We went back to nine hours, we worked nine hours, and overtime, Saturdays, sometimes.

Q. Now, during the course of your employment for the Link Belt Company, Mr. Lackhouse, did you have the experience of a decrease in the number of hours that you would work in a day?

A. Yes, sir.

Q. That would happen on other occasions?

A. Not for any length of time.

Q. (By Trial Examiner McCarthy.) But it happened, though?

A. Yes, sir.

Q. (By Mr. Seyfarth.) It would happen?

A. Yes.

Q. How long would it happen on the other occasions?

A. I don't know now. It happened mostly with this here new boss, I imagine.

Q. Just a minute, had it happened before?

A. Just after the union activities.

Q. Just a minute. Prior to the 21st of April, 1937, had the employees of your department ever gone on a decreased number of hours in a day? Had they ever experienced a decrease in the number of hours they worked per day?

A. I guess you have all that in the records, sir.

751 Q. I am asking you.

Q. (By Trial Examiner McCarthy.) While you worked there, do you know? If you don't know, say so.

A. No.

Q. (By Mr. Seyfarth.) That is what I asked, whether you know.

A. Well, I will tell you, two or three times we have had off, yes, sir.

Q. Two or three times?

A. Yes, sir.

Mr. Seyfarth: That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) How long were those times when you were cut down on the hours? How often?

A. When we didn't have work, but when we had work we worked with the rest of the plant. Now, there is my answer to his question now. There is times, for instance, and then at that time the whole plant was working nine hours a day, and we had plenty of work.

Q. (By Trial Examiner McCarthy.) You mean the steel shed?

A. Yes, sir.

Q. For the fellows then working in the steel shed?

A. Yes, sir.

Trial Examiner McCarthy: All right.

The Witness: We got plenty of work for nine 752 hours, but what they done to us, instead of giving us regular time with the rest of the fellows, they just let us work eight hours, and the work kept piling up. I don't think you can put it in this here room, as high as this here roof, with the work here stacked up.

Trial Examiner McCarthy: That is enough.

Mr. Reynolds: That is all.

Recross Examination.

Q. (By Mr. Seyfarth.) Your regular day was eight hours?

A. Not at that time.

Q. I say, your regular day.

Trial Examiner McCarthy: He is asking about your regular day.

A. Yes, sir

Q. (By Mr. Seyfarth.) Who parcels out the work, the foreman?

A. Yes, sir

Mr. Seyfarth: That is all.

Cross-Examination

Q. (By Mr. Wham.) You were discussing this point about the sixty-five men and the nine men, and so on, and you said, "Sure enough, about three weeks later we got back to nine hours."

A. Yes.

Q. What did you mean by "sure enough"?

753 A. The reason, on account of that, the way he come up to me and explained it.

Q. (By Trial Examiner McCarthy.) Who came up?

A. Mr. Kowatch. The way he explained it to me; a few fellows are in the majority of the sixty-five in the Independent Union, nothing like this would happen, we would have got our regular hours like the rest of the fellows because we had a majority in our department that would join the Independent Union. That is the way I understood him to say.

Q. (By Mr. Wham.) Well, you said, "Sure enough, we got back to nine hours."

A. That is the way, that is why I said it, "sure enough", because they couldn't break us. That is why we came back to nine hours.

Q. You mean they shut you down to eight hours to try to break you?

A. That is the understanding I got from John.

Q. So at the end of three weeks when they found they couldn't break you and couldn't get more than nine members for the Independent you got back to nine hours?

A. Yes, sir.

Q. What was it your brother Frank told you when you said that he should get out of there?

A. He says, "I got a slip from Olson, I was told to go down."

754 Q. (By Trial Examiner McCarthy.) He said he got the slip from Olson?

A. That is what he told me.

Q. (By Mr. Wham.) He got the slip from Olson?

Q. (By Trial Examiner McCarthy.) Who is Olson?

A. He is the general foreman.

Q. (By Mr. Wham.) You mean that he meant that he had to do it?

A. Yes, he had to go around and ask the fellows if they—to join up with the Independent Union.

Q. As a part of his job?

A. No, he is a core maker.

Q. I mean, he was assigned specially by the company to solicit for the C. I. O.?

A. Yes, sir.

Mr. Reynolds: Not the C. I. O., there is no testimony about the C. I. O.

Mr. Wham: I mean, the Independent.

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) You imagine that, did he say he got the slip from Olson?

A. He said he got the slip from Olson to go around and ask the fellows, to see if they would sign.

Q. Sign up?

A. In the Independent Union, yes.

755 Q. (By Mr. Wham.) Olson was assistant superintendent? At that time?

A. General formen.

Q. General foreman?

A. I guess that is what he is now.

Q. It was your understanding he was assigned at that time to go around and sign up for the Independent?

A. I don't see any other reason why. Why should he be walking around with the slip of paper in his hand?

Q. He was a member of the C. I. O. then, wasn't he?

Q. (By Trial Examiner McCarthy.) Your brother Frank?

A. Wait a minute—yes, sir.

Q. (By Mr. Wham.) Did you say Petrouski was only taking down the check numbers?

A. Yes, sir, that is all I saw on that slip.

Q. Was he getting anybody to sign?

A. There was a lot of them, and he was letting—well, I will tell you, we had a meeting at one time—

Q. (By Trial Examiner McCarthy.) Who is "we", the C. I. O.?

A. The C. I. O.

Q. Or the Independent?

A. The C. I. O., and I think that was the day—yes, Petrouski—maybe a day later, now, strike that out—some of us brought up a discussion about these fellows going around with the check numbers, signing up on the 756 company's time. We had a meeting after the meeting was over.

Q. (By Mr. Wham.) You mean the C. I. O. meeting?

A. Yes, sir. We asked a few fellows what to do about it. They said it didn't mean nothing, they are not supposed to be for it, just get them to sign. Some signed, some didn't. They didn't sign their names, just put the check numbers down.

Q. You mean some C. I. O. members signed?

A. Yes, they couldn't be sure it was not legal.

Q. In other words, you agreed in the C. I. O. meeting to sign with the Independent?

A. What?

Q. You agreed in the C. I. O. meeting to sign up with the Independent?

Trial Examiner McCarthy: He didn't say that, he said it would be all right if they did that. He didn't say they agreed, he said that it would be all right if they did that, according to the witness' understanding.

The Witness: Yes, because it was not legal.

Q. (By Mr. Wham.) Why wasn't it legal?

A. For the union to come out in the shop on the company's time, anything like that. That is why we signed, some of us.

Mr. Wham: Will you read that?

(Answer read.)

Q. (By Mr. Wham.) That made it illegal, is that right?

757 A. Right on the company's time, because the Wagner Law says it is illegal.

Trial Examiner McCarthy: The witness is not competent to say whether it is legal or illegal.

Mr. Wham: I am trying to get the decision which the C. I. O. came to.

The Witness: The Wagner Law says it is illegal.

Q. (By Mr. Wham.) The Wagner Act does?

A. Well, it says if the company—

Trial Examiner McCarthy: You don't have to answer that.

Q. (By Mr. Wham.) In other words, some of you boys got together in the C. I. O. meeting and decided that you would sign up with the Independent?

A. No, sir, because—

Trial Examiner McCarthy: Wait a minute. Go back and read what they said.

(Record read.)

Trial Examiner McCarthy: I think that clarifies it.

Q. (By Mr. Wham.) Well, did you sign?

A. No, sir.

Q. Those C. I. O. members who did sign only put down their check numbers, then, they did not sign their names?

A. Well, that is all I saw on that.

Q. (By Trial Examiner McCarthy.) Did you see 758 any C. I. O. members put down their names?

A. That is—not names, numbers.

Q. (By Mr. Wham.) They would just put down their numbers?

A. Yes.

Q. (By Trial Examiner McCarthy.) Who did that?

A. Zenon, he came around with a pencil and says, "Do you want to join? What is your number?" The fellows would tell him the number and he would put it down for them. I saw that.

Q. (By Mr. Wham.) In other words, the employees did not sign their numbers at all?

A. No, sir.

Q. Zenon did the writing?

A. Yes. Probably some of them signed it, I don't know.

Trial Examiner McCarthy: That is all, you don't know.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: That is all.

(Witness excused.)

Mr. Reynolds: Mr. Thomas.

JOSEPH THOMAS, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

- Q. (By Mr. Reynolds.) Give your name and address, please.
- 759 A. Joe Thomas, 3814 South Lowe Avenue.
- Q. Do you work for the Link Belt Company, Mr. Thomas?
- A. Yes.
- Trial Examiner McCarthy: Keep your voice up so that we can all hear you. Just say yes.
- Q. (By Mr. Reynolds.) How long have you worked there?
- A. Right close to three years.
- Q. Close to a year?
- A. No, maybe three years.
- Q. (By Trial Examiner McCarthy.) Three years?
- A. Yes, sir.
- Q. (By Mr. Reynolds.) What kind of work do you do? What department do you work in?
- A. On the bench.
- Q. Bench molder?
- A. Yes, sir.
- Q. (By Trial Examiner McCarthy.) Are you a molder?
- A. Yes.
- Q. (By Mr. Reynolds.) Are you a member of the C. I. O.?
- A. Yes.
- Q. When did you join, do you remember?
- A. No, I don't remember.
- Q. How long ago?
- A. About a year ago.
- Q. About a year ago?
- 760 A. Yes, a little over.
- Q. Did anybody ask you to join the Independent Union?
- A. Everybody, Splitz comes to me with piece of paper, sign your name.
- I say I can't sign my name.
- He says, "All right, I sign it myself."
- And he signed it himself, my name.
- Q. Did he say anything more to you about it?

A. That is all that day. The second day he come around again. He say, "Joe, sign name."

I say, "I sign yesterday."

He say, "All right, it is no good, I threw it away."

Q. (By Trial Examiner McCarthy.) It is no good, he threw it away?

A. Sure. I didn't sign no place.

"Joe," he say, "Sign him up anyhow, or maybe lose job."

Q. Splitz says to sign up or maybe you lose job?

A. Yes. I says, "I sign him up if you want to."

He come in Thursday about this piece of paper again and he say, "Joe, sign name."

I say, "What is the matter, I sign him up twice, I sign him up before yesterday and I sign him again."

He say, "Something wrong, no good."

I say, "I quit, I don't want sign at all."

Q. You didn't want to sign?

761 A. No.

Q. You didn't sign either day?

A. I don't sign. At noontime he come to me and he say—I was by him over there and he say, "Come on, Joe, come in office sometime, we want to see you".

Q. (By Mr. Reynolds.) Did you go in the office?

A. Yes.

Q. What happened when you got in the office?

A. I go in the office and I see some fellows—

Q. (By Trial Examiner McCarthy.) In the office, what office?

A. Some man over there.

Q. Do you know what man?

A. Some man with mustache, I don't know who he is.

Q. Was it Stanley? Do you know Stanley?

A. No, sir.

Q. You don't know Stanley, the employment manager?

A. Yes, sir.

Q. It was not Stanley?

A. No.

Q. Some man with a mustache was sitting there?

A. Yes, sir. He say, "What you want?"

I say, "Splitz sent me in office, you want something?"

He said he didn't want nothing from me. Splitz come in then and grabbed my hand, and he say, "Give
762 him piece of paper".

He say, "Sign his name."

I can't sign name, I say I will not sign. I said two times I sign, I don't like it.

He say, "Sign anyhow."

Q. Who said that?

A. Splitz, "Go ahead, sign again."

I say, "I am going out, go to work."

Q. (By Mr. Reynolds.) You did not sign?

A. No. A couple of times he come to me and say, "Sign them up."

I don't sign no place. A lot of people don't sign, I no sign.

Mr. Reynolds: That is all.

The Witness: That is all.

Q. (By Trial Examiner McCarthy.) Did you see the man with the mustache again?

A. No.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Joe, you were working for the Link Belt Company in May of 1936, weren't you?

A. 1936?

Q. That is right, two years ago?

A. About three years ago.

763 Q. (By Trial Examiner McCarthy.) How many?

A. About three years ago.

Q. Not three, two years ago.

A. Three years ago.

Q. (By Mr. Seyfarth.) It will be two years in May, won't it?

A. Two years?

Q. Think, back, think back and tell us how long you have worked for the Link Belt Company.

A. Not quite three years.

Q. Not quite three years?

A. No.

Q. (By Trial Examiner McCarthy.) When did you go to work for them, do you know? Do you know when you first went to work for them, in May?

A. May.

Q. In 1936?

A. 1936.

Q. 1936, 1937, that is two years.

A. I thought it was three years, excuse me.

Q. That is all right. But it was in 1936?

A. Yes, two years ago.

Q. (By Mr. Seyfarth.) You don't know whether it was two or three years ago, do you?

A. No, I am not sure.

Q. All right. Where were you when Splitz started talking with you? Where were you when Splitz would talk to you?

A. I worked with him.

Q. Where were you?

A. I worked for him when they started build shop.

Q. In what building?

Trial Examiner McCarthy: In the shop.

The Witness: When they started build, to build up the shop, move to one side, I was on bench.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Was Splitz your foreman?

A. No, just couple weeks.

Q. What?

A. Couple weeks, he is foreman for me, which is before we started the Independent Union.

Q. What I am trying to find out is this: You are a bench molder?

A. Yes, sir.

Q. Do you work in the core room?

A. No, I work on the bench.

Q. You work on the bench?

A. Yes, sir.

Q. Who is your boss?

A. I don't know his last name, his first name—

Q. All right, give us his first name.

A. I can't think of it.

765 Q. (By Mr. Seyfarth.) Is the foreman named Dipple?

A. No.

Q. (By Mr. Reynolds.) Joe?

Q. (By Mr. Seyfarth.) You can't remember your foreman's first name, can you?

A. No, I can't think.

Q. That is all right. You don't remember his name?

A. No.

Q. (By Trial Examiner McCarthy.) Do you work on the bench floor?

A. On the bench.

Q. Do you work in the foundry?

A. Yes, sir.

Q. On the bench floor?

A. Yes, sir.

Q. What they call the bench floor?

A. Well, I work on the bench.

Q. (By Mr. Seyfarth.) What time of the day or night was it when Splitz first came to you?

A. It was around in the morning?

Q. In the morning?

A. Around nine or ten o'clock.

Q. Do you remember the date?

A. No.

Q. Was it summer?

766 A. It was summer.

Q. (By Trial Examiner McCarthy.) In the summertime?

A. In the summertime.

Q. (By Mr. Seyfarth.) In the summertime of last year?

A. The last year, I guess the first day when they started the Independent Union.

Q. (By Trial Examiner McCarthy.) About the time they started the Independent Union?

A. When they first start, when Splitz first asked me.

Q. That was in the spring?

A. That is right.

Q. (By Mr. Seyfarth.) Was anybody else present when Splitz talked to you?

Q. (By Trial Examiner McCarthy.) The first time?

A. The first time?

Q. Anybody else there? Were you working at your bench?

A. No, I work with the machine for the other fellow, for him a helper.

Q. You were helping the other fellow?

A. I was helping the other fellow.

Q. You were helping the other fellow when Splitz came up to you and he says, "Sign here"?

A. Yes.

Q. Who were you helping? Do you remember his name?

A. No, I don't know their name.

767 Q. (By Mr. Seyfarth.) Where did these men work that you were helping?

Q. (By Trial Examiner McCarthy.) What were you doing?

A. They were molding.

Q. Molders?

A. Yes.

Q. On the bench floor?

A. No.

Q. On the iron floor?

A. On the machine.

Q. Machine floor?

A. Yes.

Cross-Examination (Resumed).

Q. (By Mr. Seyfarth.) Did they have machines right next to yours?

A. Yes, sir.

Q. They were right next to where you worked?

A. No, I helped him.

Q. You helped who?

A. The other molder.

Q. Do you know the name of this other molder, any of those molders?

A. No, one fellow die, and the other fellow has left. That is all I know, I don't know their names.

Q. Splitz talked to you the next day, did he?

768 A. Yes, sir.

Q. Where were you then, Joe?

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) The first time you were a helper. He is trying to find out just what happened. They want to know if there are some people there who can say that what you say is correct. That is why they want to know where you were working the second time.

A. The same place.

Q. The same place, and the third time?

Q. (By Mr. Seyfarth) Was anybody present the second time?

A. The third time the same place.

Q. (By Trial Examiner McCarthy.) The third time the same place?

A. The third time the same place.

Q. Were you doing the same kind of work, helping the other fellows?

A. Yes, helping in the molds, they were hurry up.

Q. Now, do you know the names of the men you were helping the second day or the third day?

A. No.

Q. Were they the same men you were helping the first day?

A. Yes.

Q. What they are trying to find out is if anybody else understood what Splitz said; if somebody else understood what he said the same way you understood it.

A. I was working on the machine with all the guys.

Q. (By Mr. Seyfarth.) Joe, how long after that did Splitz want to talk to you in the office?

A. It was the third day after they started the Union.

Q. What did he say to you?

A. That is what he said, he says, "Sign your name."

Q. (By Trial Examiner McCarthy.) We are talking about the third time.

Mr. Seyfarth: We are talking about the third time, yes.

Q. (By Mr. Seyfarth.) What did Splitz say to you?

Q. (By Trial Examiner McCarthy.) You were working at your job and Splitz came up. What did he say?

A. He says, "Go in office."

Q. He says, "Go in office"?

A. Somebody wanted see you.

Q. Somebody wanted to see you?

A. Yes.

Q. (By Mr. Seyfarth.) Who did he say wanted to see you?

A. Yes, sir.

Q. Who did he say wanted to see you?

A. Go in office, somebody wanted see you.

Q. Did he say what the man's name was?

A. No, I went in the office, man with mustache was there.

Q. What office did you go into?

770 A. Some office in the shop, the same office in the shop, in the foundry.

Q. (By Trial Examiner McCarthy.) Do you know what office that was? Was there a name on the door?

A. Where they punch the clocks.

Q. Where they punch the clocks?

A. Yes, sir.

Q. Is that office right near where you punch the clocks?

A. Small clocks in the window.

Q. In the middle?

- A. No, on the window.
Q. On the wall?
A. No, in the window.
Q. Clocks in the window?
A. Yes.
Q. (By Mr. Seyfarth.) By the time keeper's office?
A. What?
Q. The time keeper's office?
Q. (By Trial Examiner McCarthy.) How many clocks were in the window?
A. Just the one.
Q. Just the one?
A. Where you punch the clock.
Q. Where you punch the clock in the window, is that the office?
771 A. No, outside.
Q. (By Mr. Seyfarth.) Did you go in the building, Joe?
A. What?
Q. Did you go in the building?
A. Yes.
Q. Did you go in an office when you went in the building?
A. There was no place to go in office.
Q. (By Trial Examiner McCarthy.) No, we are talking about the man with the little mustache.
A. Yes, sir.
Q. That is the time we are talking about. He was in the office?
A. He was in the office, we go in office.
Q. Now, how close to the time clock was this office that you speak of?
A. Right close, that far (indicating).
Q. About five feet?
A. Yes.
Q. In other words, it was the office near the time clocks?
A. I don't know.

Cross-Examination (resumed).

- Q. (By Mr. Seyfarth.) How many offices are there, Joe, one or more?
A. I saw one.
Q. Just one office?

772 A. I saw one over there.

Q. You didn't see two offices?

A. No, one.

Trial Examiner McCarthy: What office is that?

Mr. Berry: That is the main foundry office, I assume, that he is talking about.

Trial Examiner McCarthy: That is near the time clocks?

Mr. Berry: The time clocks are in the office. We have two offices with time clocks.

Q. (By Trial Examiner McCarthy.) Were there time clocks there?

A. Yes.

Q. (By Mr. Seyfarth.) Just take it easy, you don't have to talk fast or get excited.

Who did you see in the office, the man with the mustache?

A. Yes.

Q. What did Splitz say to the man when you came in the office?

A. He says, "Give me"--

Q. Just take it easy.

A. "Give me piece paper."

Q. Splitz said to the man, "Give me a piece of paper"?

A. Yes.

Q. What did the man say?

773 A. The man said, "What for?"

Q. The man said, "What for"?

A. He said, "I want him sign name."

Q. Splitz said that he wanted you to sign your name?

A. He wanted me sign name, yes.

Q. What did the man say?

A. He said, "All right," and give him piece paper.

Q. He gave Splitz a piece of paper?

A. Took piece of paper and give it to him.

Q. A blank piece of paper?

A. Blank piece paper, yes.

Q. Any writing on the paper?

A. No.

Q. And then what did Splitz do?

A. He grab my hands and say, "Sign up."

Q. Splitz took hold of your hand and says, "Sign up"?

A. Yes. I said, "No, I no sign."

Q. You said you would not sign?

A. Yes. Then Splitz said, "I will sign myself."

Q. Then he signed your name?

Trial Examiner McCarthy: He said Splitz grabbed his hand and said "Sign up."

Mr. Seyfarth: Just a minute.

Q. (By Mr. Seyfarth.) Did Splitz say, "I will sign your name for you"?

774 A. Yes.

Q. What did the man who was present say?

Trial Examiner McCarthy: The man with the mustache.

A. He don't say nothing.

Q. (By Mr. Seyfarth.) He didn't say anything?

A. No, sir.

Q. Did he stay in the office, or did he go out?

A. I saw him working there.

Q. He was working there?

A. Yes.

Q. Then you went out of the office?

A. Yes, sir.

Q. That is all you know about it?

A. Yes, sir.

Mr. Seyfarth: That is all.

(Witness excused.)

Trial Examiner McCarthy: We will recess until one o'clock.

(Whereupon, a recess was taken until 1:00 o'clock p.m.)

775

After Recess.

(Whereupon, the hearing was resumed, pursuant to recess, at 1:00 o'clock p.m.)

Trial Examiner McCarthy: You may proceed.

Mr. Reynolds: Mr. Robinson.

JULIUS ROBINSON, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address.

A. Julius Robinson, 5652 Prairie Avenue, Chicago.

Q. Are you employed by the Link Belt Company?

A. Yes, sir.

Q. Are you here in response to a subpoena served upon you?

A. Yes, sir.

Q. Are you connected in any way with the Independent Union of Craftsmen?

A. Yes, sir.

Q. What is your office?

A. I am a steward, one of the shop stewards.

Q. Now, when were you selected as a steward?

A. I was not selected, I was voted in.

Q. Did you ask to run as a steward?

A. Well, a bunch of fellows got together and they
776 talked over candidates, and put them up for election, something like that.

Q. Now, did you hear Paul Bozurich's testimony about some statement that you are supposed to have made?

A. Yes.

Q. Does that conform with your recollection of what you said?

A. Well, I don't know, I think he got the wrong idea about what we said.

Q. Now, can you state just what you said, what the circumstances were?

A. I don't know exactly what I said, but I do know this, at the time that we were talking—

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Do you know what time that was, about?

A. No, I don't.

Q. Was it in the spring or the fall of the year, or what year?

A. No, sir, I don't.

Q. Was it about two years ago, do you remember?

A. I don't recollect what time, I didn't keep track of it.

Q. Was it about the time that all this activity went on about the Independent and the C. I. O.?

A. About the time of this activity in this steel—
777 the trouble they were having down in South Chicago, somewhere in that time.

Q. As I understand the testimony, in this case, most of the activity was about the month of April of 1937— was it 1937 or 1936?

Mr. Reynolds: 1937.

Trial Examiner McCarthy: They started to organize in 1936.

Mr. Seyfarth: The steel strike was in progress during the month of April and part of May, 1937.

Trial Examiner McCarthy: 1937. We want to identify the time. So it was about the time that they had the steel strike?

A. Yes.

Q. (By Trial Examiner McCarthy.) As far as you know that was in the spring of 1937?

A. Yes, sir.

Q. In the spring of 1937, along about April?

A. Yes.

Trial Examiner McCarthy: All right.

Direct Examination (Resumed).

Q. (By Mr. Reynolds.) What was said on that occasion?

A. There was a bunch of fellows sitting around there at noon where I was—

Q. (By Trial Examiner McCarthy.) Where did you work?

778 A. The south end, on the south end. I worked all over, according to the kind of the job I have got.

Q. The south end of the shop?

A. The foundry.

Q. The south end of the foundry?

A. And he came by, and we were hollering at each other, you know. He was saying, "Come on, join the C. I. O."

I was saying, "Come on, join the Independent Union." I didn't want to get in no fight, and that was all the remark that was made.

Q. (By Mr. Reynolds.) That is all you said?

A. That is all I said, yes, at that time.

Q. Do you recollect saying anything more?

A. I don't know, I don't recall.

Mr. Wham: Why not give the date?

Trial Examiner McCarthy: We tried to identify it. He said it was about the time of the steel strike, and that has been identified as in April and May of 1937.

Mr. Wham: There was some testimony this morning about a later date.

Trial Examiner McCarthy: What do you refer to, Mr. Wham?

Mr. Wham: The time Bozurich testified he claimed he had the conversation with him.

Q. (By Trial Examiner McCarthy.) Do you know when Bozurich was discharged?

779 A. Yes, sir.

Q. Do you recall about when that was?

A. No, I don't.

Q. (By Mr. Reynolds.) Was it last fall?

A. I don't recall those dates, I didn't keep track of them, I couldn't tell you that.

Q. Do you recall the conversation you had with Bozurich about that time?

A. No.

Q. You don't remember anything?

A. I know I talked with him, but I don't know what it was.

Q. You don't know what was said?

A. No.

Q. How long did you work in the steel core department, or the foundry?

A. I didn't work on the steel cores.

Q. You worked in the foundry?

A. On the iron cores.

Q. On the iron cores?

A. Yes, sir.

Q. Did you ever work anywhere else?

A. Yes.

Q. Where else?

A. I worked on the little floor to the side, I worked on them sprockets. I worked all over, according to, the
780 kind of job I had. That is the way they worked.

Q. How long have you been working for the Link Belt?

A. Since 1926, in June.

Q. Have you always worked at this plant?

A. No, I was transferred there in 1932, I think, in November.

Q. In November?

A. I think it was.

Q. Now, how much seniority do you consider you have at the Link Belt Company?

A. I couldn't answer that, because there is so many more fellows there who have been there quite a bit longer than I have, see.

Q. Do you think that you have seniority over all the men in the foundry who came after you did?

A. Sure, I think so.

Q. And does it make any difference whether they work on sprockets or the grey iron floor or the steel floor?

A. I don't see where it should make a difference. I don't know if a man is put off a job, that you could figure he was out, you would have to figure him in the shop.

Q. Paul Bozurich was called a molder, wasn't he?

A. Yes, he was molding, that is all I know.

Q. Did you have any of the large jobs, the large castings?

A. Well, it didn't work like that, I worked the 781 same jobs he worked, it don't make a difference like that.

Q. (By Trial Examiner McCarthy.) Are you a molder?

A. Yes, sir.

Q. (By Mr. Reynolds.) Are you acquainted with Superintendent Skeets of the Link Belt Company?

A. I have worked under him, he was my foreman.

Q. Did Mr. Skeets ever ask you anything about Paul Bozurich?

A. No.

Q. Never?

A. No.

Q. Now, do you recall when the election for the shop stewards was held in the Independent Union?

A. Yes, I remember, but I don't know the date.

Q. Where were the elections held?

A. They were held at our—I don't know, to tell the truth, all I know is they posted them.

Q. (By Trial Examiner McCarthy.) Who posted them?

A. It was on the bulletin board.

Q. (By Mr. Reynolds.) At the plant?

A. Yes.

Q. Isn't it a fact that the elections were held on the company's premises?

A. I don't know, I couldn't say that, I don't think so.

Q. (By Trial Examiner McCarthy.) Were you at the meeting when you were elected?

782 A. No, I was not.

Q. (By Mr. Reynolds.) Were ballots distributed?

A. Ballots, yes.

Q. Throughout the plant?

A. I don't know that, I don't know about that, I don't know about throughout the plant.

Q. You did not distribute any yourself?

A. No, sir.

Q. Don't you know that it is a fact that the time keeper came around and distributed the ballots?

A. I don't know about that.

Q. Did you ever see the time keeper distributing anything for the Independent Union?

A. No, I don't have time to watch those fellows there, I was always busy.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Your first name is Julius?

A. Yes.

Q. You have worked for the Link Belt Company since November, 1932?

A. 1926.

Q. 1926?

A. I have, at the other plant.

Q. Have you always been a molder?

783 A. Yes. Not the first year, the first year I was like the apprentices in the shop, I went to different departments, for about a year and a half.

Q. No different departments?

A. In the foundry.

Q. Have they got different departments in the foundry?

Q. (By Trial McCarthy.) That is, an apprentice?

A. They have a cupola department, that is, the furnace; that is, the cleaning room. They have the charging department up there, and they have the core room, and different parts of it. I worked all different places.

Q. (By Mr. Seyfarth.) Was it your understanding that those were different departments?

A. They were different departments? I couldn't say that they were. The molding department, it is a part of it, but they were not all directly molding.

Q. They were all different departments?

A. Well, they were, they had different departments there.

Q. A different type of work done in each department?

A. Yes.

Q. Was it all molding? It was all molding work, wasn't it?

A. It was all molding work, yes, sir.

Q. Those departments did a different kind of work?

A. There was not molding in the cleaning room, you could not mold over there. In the furnace and the 784 charging you couldn't mold over there.

Q. In this department where molding is done, they had one kind of molding in one and another kind of molding in another, wouldn't they?

A. Yes.

Q. Now, Julius, do you remember about the time when Paul Bozurich was laid off?

A. Yes. I don't know the exact time, but I remember when he was laid off.

Q. You said you had a talk with him at that time, but you couldn't remember what was said?

A. All I can recollect me saying was that I was sorry, that is all.

Q. Do you recollect saying to Bozurich that they will take your heads off?

A. No.

Q. You didn't say that?

A. No.

Q. Now, when you met Bozurich during the time of the big steel strike, you say there were a group of you talking?

A. Yes, when I first noticed him was when we went to a club meeting on Halsted Street, I mean a meeting—

Q. (By Trial Examiner McCarthy.) What meeting?

A. Of the Independent Union. I was over there. That is when I first noticed him and said anything about the Union.

785 Q. (By Mr. Seyfarth.) I am talking about the time you met Bozurich in the plant, and you said, "Come on, Join the Independent."

A. That was during lunch.

Q. And he said, "Join the C. I. O."?

A. Yes.

Q. How many were present?

A. About five or six sitting around there.

Q. You were more or less joking?

A. All of us.

Q. All of you were joking?

A. Yes.

Mr. Seyfarth: That is all.

Cross-Examination.

Q. (By Mr. Wham.) Julius, at the time Mr. Bozurich was discharged, you told him that you were sorry?

A. Yes, sir.

Q. And did you say anything at all to him to the effect that you knew that the company was going to discharge the C. I. O. workers first, ahead of the Independent workers?

A. I couldn't have said that, because already the business had got bad and they were laying off the Independent Union fellows. I couldn't have said that, because I didn't know that.

Q. Did you ask Bozurich for dues at any time?

786 A. Not for dues, I asked him to join the Independent Union.

Q. Do you recall whether that was on company time?

A. That was at noon. I never had time during working hours, I never stopped. I was working piece work, anyway, and I was too busy.

Q. Now, Edward White testified that you collect dues during working hours. Where does he work, do you know?

A. Well, at that time he was working—I don't know, he was not working on the end with me. He was working near the center, near the core room.

Q. Have you ever collected dues for the Independent Union on company time?

A. No.

Q. Have you ever solicited membership for the Independent Union on company time?

A. No.

Mr. Wham: That is all.

Mr. Reynolds: That is all.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) What is the nature of your duties as shop steward?

A. Well, we see that everything is taken care of, the men all satisfied, and if they have got any complaint they present them to the stewards.

Q. Then what does the steward do?

787 A. He takes it up with the nearest foreman, the one that is in action in that department.

Q. For the man who has the grievance?

A. Yes. . .

Q. What else do they do?

A. Well, we do quite a bit, I don't know what all we do.

Q. Just give us in your own words, just generally, Julius.

A. That is just generally, to see that the men are all taken care of about the grievances.

Q. How many shop stewards have they?

A. I don't know exactly, but each one has so many men.

Q. How many men have you got?

A. I have sixteen.

Q. Sixteen?

A. Just about sixteen, I am not so sure.

Q. How do you happen to have only sixteen men; because there are only sixteen men in the particular department in which you work?

A. Which, in my department?

Q. Is there a shop steward in each department?

A. I suppose, I don't know.

Q. Did you ever have a meeting with other shop stewards?

A. Sure, we have stewards' meetings, but like any other meeting, all the time they are not all there.

Q. How many are usually there?

788 A. Sometimes twenty some odd, thirty some odd. That is about as close as I can get it, I never counted them.

Q. Do you know how you were elected? Was there any discussion among your friends as to whether you would run or not? How did they know that you would run?

A. Well, a bunch of fellows would get together before the shop would go to work.

Q. Where did they get together?

A. Well, they would get together right in the dressing rooms.

Q. And then what?

A. They talked and figured out the best man, I think, I reckon the best man to take care of that department. That is the way they did that.

Q. Just elected by verbal agreement?

A. Those are the shop stewards, because they are directly representing the fellows in there.

Q. Working in that, particular department?

A. Yes.

Q. Now, about this distribution of ballots; would that be one of the functions of the shop steward?

A. Well, no, we never distributed ballots.

Q. Whose job was that?

A. What kind of ballots, for the stewards' election?

Q. I understand there were no ballots for the 789 stewards' election.

A. I don't know, we haven't had an election now, because the other election, everybody was there and they voted on it direct.

Q. What election do you refer to?

A. I am referring to the election of the officers of the Independent Union.

Q. Do you recall when that was?

A. No, I don't.

Q. And what happened at that time? Is that the time that you were elected as steward?

A. No, we were elected as stewards later, sometime later, I don't know just when. There was not any stewards until they had that big election and elected the officers.

Q. After they elected the officers then the men in the departments elected their stewards, is that right?

A. No, they didn't elect stewards like that. The men that worked in around there, the fellows, they were allowed to elect their stewards.

Q. The bench fellows got together and said, we will take John Jones to represent us in this department?

A. I will say just the same way as in any political campaign; so many names put on the list, something like that.

Q. All you know about that election was when your name was posted on the bulletin board?

790 A. No, I know they had picked me, but I don't know about the election, though.

Q. Didn't you ever vote or express your desire for a representative, a steward?

A. I don't remember.

Q. Well, you naturally would know that—

A. I don't remember.

Trial Examiner McCarthy: Are you through with this witness?

Mr. Reynolds: Just one more question.

Redirect Examination.

Q. (By Mr. Reynolds.) Do you remember seeing Paul Bozurich at the first meeting of the Independent Union?

A. Yes, sir.

Q. Do you remember that he spoke there?

A. Yes.

Q. What did he say, do you remember?

A. I don't know what he said, I couldn't say.

Q. Do you remember that there was a vote, a rising vote of some kind taken on a constitution there?

A. No, I don't remember.

Q. You don't remember any voting?

A. No.

Q. Being taken by the chairman?

A. No, sir.

791 Q. Were you there during the whole meeting?

A. I was, I was there, sure.

Q. How did the meeting close? What did the chairman say?

A. I don't remember, I don't remember nothing about the meeting, but I was there.

Q. (By Trial Examiner McCarthy.) Was there a lot of trouble at that meeting, do you recall?

A. No, there was not a lot of trouble.

Q. Was there some trouble?

A. There was some fellows who belonged to the other organization who came in there and tried to make trouble, but there was not any trouble.

Q. (By Mr. Reynolds.) What do you mean, they tried to make trouble? What did they do?

A. I don't know, they just—

Q. (By Trial Examiner McCarthy.) Ask questions?

A. No, they didn't ask questions. Well, they did everything in their power to prevent—well, to tell the truth, I don't know who they all were, I don't remember all that stuff.

Q. You have never been at an election of the Independent Union of Craftsmen except that first one, is that right?

A. They never had one since.

Trial Examiner McCarthy: Go ahead.

Mr. Reynolds: That is all I have.

560 *Witness for National Labor Relations Board.*

792 *Recross Examination.*

Q. (By Mr. Wham.) Julius, was your name ever posted on the bulletin board?

A. In their election of stewards I was supposed to be posted somewhere, but to tell you the truth I don't know what happened, that has been so long ago, that has been a year or so.

Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.

Recross Examination.

Q. (By Mr. Seyfarth.) Just a minute. Julius, you are the only colored man in your department, aren't you?

A. No, sir.

Q. Are there any other colored people who are molders?

A. Yes.

Q. (By Trial Examiner McCarthy.) How many?

Q. (By Mr. Seyfarth.) How many of them?

A. One.

Q. One other?

A. Yes.

Mr. Seyfarth: That is all.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

(Witness excused.)

Mr. Reynolds: Mr. Karbol.

793 MIKE KARBOL, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address.

A. Mike Karbol, 4722 South Karlov.

Q. Is your name spelled K-a-r-b-o-l?

A. Yes.

Q. Have you ever worked for the Link Belt Company?

A. I worked—I started in 1925, and I working straight seven years.

Q. You worked straight for seven years?

A. Seven years.

Q. Until 1932?

A. 1932, I working straight, when there not much work, lay them off, a lot of people, he lay them off, me, too, you know. Well, I ain't working five years, and I was in their office, I tell them, that Stanley, you know, got job for me back again.

He say, "Mike, I have got it you later, I send him letter for you."

I see him one time the superintendent there, I told him—

Q. (By Trial Examiner McCarthy.) You are referring to Mr. Berry?

A. Yes, I told him that, I see him in office, and he told me see Stanley.

Q. When was this, what time was this?

A. He told me go see Stanley.

Q. When was this?

A. Three or four years ago. Well, it passed five years, I go back again to the employment office, to Stanley, and I say, "Stanley, you got a job?"

He says, "Yes, Mike, I got job, you come tomorrow."

All right, I come in tomorrow.

He told me, "You wait until the doctor come."

I waited for the doctor to come, and he take me examination, and I am everything O. K.; and he sent me to the hospital, take X-rays. All right, everything pass, he give me job back again. I am starting March, last year March, work the second time. I working three months. One month I working day times and two months I working night times, he changed me.

Then he started C. I. O. and started Independent Union.

Q. They started two unions, one the C. I. O., and one the Independent?

A. One C. I. O., one Independent.

The night boss come in and say, "Mike",—

Q. What is his name?

795 A. George, I don't know the second name.

Q. George, the night boss?

Q. (By Mr. Reynolds.) George Bellop?

A. Yes. He say, "Now, Mike, sign him up now."

I told him I no sign him up now.

George say nothing, go to work.

I working chipper on my job by the bench.

Q. You are a chipper?

A. I am a chipper, yes. I chip off the scrap, small one, big one, any kind, gears, everything, I chip him off.

Then go past three months, he give me lay off again, he fire me; give me another lay off, give me fire; give me money, and say maybe after again you start up work.

Q. When they gave you the money—

A. That is fire, that is whole thing.

Q. Have they ever called you back to work since you were fired?

A. No.

Mr. Wham: When was that?

Trial Examiner McCarthy: He came back to work the second time in March, 1937.

Mr. Wham: When was he fired?

Trial Examiner McCarthy: Three months afterwards. The Witness: Yes.

Q. (By Mr. Reynolds.) May 19th is the date you were fired?

796 A. Yes, 1937.

Q. Are you a member of the C. I. O.?

A. Well, the C. I. O., I don't know, they never bother me.

Q. (By Trial Examiner McCarthy.) Did you sign your name?

A. I signed him up.

Q. You signed him up?

A. Yes.

Q. In the C. I. O.?

A. C. I. O.

Q. Do you belong to the C. I. O.?

A. Yes, C. I. O.

Q. (By Mr. Reynolds.) Who asked you to join?

A. John.

Q. John who?

A. That fellow (indicating).

Mr. Kalmarie: Kalmarie.

Q. (By Mr. Reynolds.) Do you remember when you joined the C. I. O.?

A. I don't know.

Q. How long before you were fired did you join the C. I. O.?

A. Oh, about three weeks had passed.

Q. About three weeks or so?

A. Yes. That is all mine questions.

Q. Did you ask George at the time you were fired why you were fired?

797 A. No, George, I told him that—George give me money.

I say, "You give me fire."

He say, "I don't know, Mike, what is the matter, you are working right, you working all right, I don't know what is the matter, only give you fire."

Q. Do you know whether anybody took your place?

A. Right away, when they send them two men that before is not working, one take place on air hammer, where they chip him off, and on machine hammer.

Q. And a new man took your job?

A. Yes, boss send him in my place, give me fire, and I go home, and he start in my place work.

Q. (By Trial Examiner McCarthy.) What is the man's name?

A. Now that is new man, I don't know, I can't talk for the man.

Q. (By Mr. Reynolds.) Did you ever see the new man?

A. Sure, I see him.

Q. Were there ever any complaints about your work?

A. No.

Q. (By Trial Examiner McCarthy.) What did George Bellop say when he fired you?

A. He say, "I don't know what is the matter, Mike." He says—he told me, "You work all right." That is only thing he tell me. When he tell me to chip him off, I chip him off. When he say grind him off, I grind him off.

798 Q. What did you say when he fired you?

A. Who?

Q. George.

A. I no say no more. He say, "I don't know what is the matter, Mike, that you get fired."

Q. (By Trial Examiner McCarthy.) How did George happen to pick you and fire you, do you know?

A. No.

Q. (By Mr. Reynolds.) Was there work for you to do there, Mike? Was there work there for you to do?

A. Yes.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Do you understand that? Maybe the boss laid you off because the work was all finished.

A. I finished every one piece.

Q. You finished every one piece, then maybe no more work, is that-so?

A. I don't know, maybe.

Q. Maybe?

A. Maybe, I don't know.

Q. What about the man that took your place, what did he do?

A. He chip him off, too, I don't know, I go way, I can't see what he do.

Q. You don't know?

A. I no work no more, I work on piece work, I work 799 on piece work. I get the bonus, I must make job all right.

Q. What is that again?

A. I must make job all right, make it piece work.

Q. Because you got the money?

A. Sure, I make enough for piece work, I get it 53 cents, and I get it over, sometimes \$2.00, sometimes \$3.00 over.

Q. Overtime?

A. Yes, when I make it piece work.

Q. In other words, you get 53 cents an hour straight time?

A. Straight time.

Q. But when you work on piece work sometimes you make \$2.00 over?

A. Over, sometimes more. They wanted split sprocket, and they put the sign 25 cents for them sprockets.

Q. You got 25 cents for chipping each sprocket?

A. Yes, if I keep the sprocket 25 minutes, I don't make it nothing, but I keep it 12 minutes or 13 minutes, I make it over money.

Direct Examination (Resumed).

Q. (By Mr. Reynolds.) Most of the other chippers do it that fast?

A. Everybody.

Q. Everybody does it like that?

A. Yes.

Q. Are you as fast as the rest of them?

800 A. Yes.

Q. Now, you say this new man took your job. Did you see this new man take your job?

A. No, I was not in there any more.

Q. How do you know that he did?

A. I see him by the first time the first night that man had started. I don't know how long they were working in there.

Q. (By Trial Examiner McCarthy.) The same day you got fired, the same night?

A. The same night.

Q. They hired a new man?

A. Yes, sir.

Q. (By Mr. Reynolds.) How much money did you make a week when you were fired?

A. Well, straight time was 53 cents. How much money is that?

Q. (By Trial Examiner McCarthy.) You worked eight hours?

A. Eight hours.

Q. (By Mr. Reynolds.) How many days a week?

A. Five days a week.

Q. And then you also made some bonus for piece work?

A. Piece work, yes.

Q. How much would that average a week?

A. Sometimes I get the sprockets better, I would make it more. If the sprocket is bad, too much scrap, I make it no much. Sometimes big piece, like my hands (indicating), it take me three or four minutes to chip him off even.

Q. How much money did you make a week?

A. I make it 26, 27, sometimes 28.

Q. Dollars a week?

A. Yes.

Q. How much have you made since you were fired?

A. I worked there before he gave me fire, the same thing, less than three months.

Q. (By Trial Examiner McCarthy.) Mike, since you have been fired, did you make any money? Have you earned any money?

A. No.

Q. No money at all?

A. No, I no working no place.

Q. You are not working any place since you were fired, since you worked for the Link Belt?

A. No. I was looking all around, and they say, "What for you not working same place you work before?"

I was laid off, I no work there now, and they tell me no chance, and I go home.

Q. (By Mr. Reynolds.) Do they tell you you are too old?

A. Sometimes, a lot of places, they have a lot of young men.

Q. Do you want to be reinstated on your job at the 802 Link Belt?

A. Why, certainly.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) Mike, have you worked any place since you left the Link Belt.

A. No, I work in foundry department.

Q. Have you had any other job since you left the Link Belt?

A. Sure, sure, why not.

Q. Where did you work?

A. They no call me any place.

Q. (By Trial Examiner McCarthy.) No, Mike, just listen. You left the Link Belt May, 1937?

A. Yes.

Q. Did you work any place since? Did you work any more?

A. One place.

Q. One place?

A. Yes.

Q. Whereabouts?

A. Chipper for bench.

Q. Whereabouts?

A. In foundry.

Q. What is the name of the foundry?

A. That is chipper, chipping room.

Mr. Reynolds; He is talking about the Link Belt.

803 Mr. Seyfarth: What is the fact, did he work some place else?

Mr. Reynolds: I understand that he has.

The Witness: I worked one place, that is all.

Q. (By Trial Examiner McCarthy.) Do you remember that George fired you?

A. Yes, sir.

Q. That is May 19, 1937?

A. Yes, sir.

Q. What did you do since then, any work at all?

A. No.

Q. No work at all?

A. No.

Q. No other boss any place?

A. No.

Q. (By Mr. Seyfarth.) You joined the C. I. O. three weeks before you were laid off?

A. Yes, sir.

Q. Before you were fired?

A. I don't know what is the matter.

Q. Did George Bellop tell you?

A. No.

Q. Did you tell George Bellop that you joined the C. I. O.?

A. I no tell him nothing, he give me money and I go home.

Q. You didn't tell anybody that you joined the C. I. O.?

804 A. No.

Trial Examiner McCarthy: The attorney wants to know if anybody knew it.

Mr. Seyfarth: I want to know if he told anybody else that he joined the C. I. O. He can answer that question, if he did.

Trial Examiner McCarthy: The witness has answered it.

Mr. Seyfarth: He has not answered that, Mr. Examiner.

Trial Examiner McCarthy: Just a minute.

Q. (By Trial Examiner McCarthy.) Did you tell anybody you joined the C. I. O.?

A. No.

Q. Nobody knew you joined the C. I. O.?

A. No.

Q. (By Mr. Seyfarth.) Mike, do you know Nick Kumerich?

A. Nick Cumorich?

Q. Yes.

A. Yes.

Q. He worked with you, didn't he?

A. He was working there, and then he was working in a different department, working outside.

Q. You and Nick worked together, didn't you?

A. Yes, sir.

Q. George Bellop was your boss, wasn't he?

A. Yes, sir.

805 Q. Did Nick Kumerich ever tell you if you worked too hard he would knock your head off?

A. No.

Q. He didn't tell you that?

A. No.

Q. Did you ever tell George Bellop Nick told you that?

A. No, I no say nothing to nobody.

Q. (By Trial Examiner McCarthy.) Mike, maybe Kumerich told somebody you belonged to the C. I. O.?

A. No.

Mr. Seyfarth: I think that answers the question, Mr. Examiner. That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) Just a minute. At the time you left was there any work on the floor? At the time you were fired, was there any work there on the floor?

A. No, I am working on a bench.

Q. Was there any work on the bench?

A. Yes, the sprockets.

Q. Was there any dirty work on the floor to be shipped?

A. Sure, there is dirty work, a lot of sand.

Q. You handled that work, didn't you?

A. Sure, I work.

Q. On the big castings?

A. The big castings, you know, what they dig them 806 up the mine; that is, behind for that piece, that is, a heavy piece.

Mr. Reynolds: That is all.

Recross Examination.

Q. (By Mr. Wham.) Mike, you say that George Bellop was your foreman?

A. No.

Q. (By Trial Examiner McCarthy.) George Bellop was your night boss, wasn't he?

A. Yes.

Q. Yes.

Q. (By Mr. Wham.) And he wanted you to join the Independent Union?

A. Yes, he told me—I told him I no sign up for nobody.

Mr. Wham: That is all.

(Witness excused.)

Mr. Reynolds: May we have a brief recess, just for one moment?

Trial Examiner McCarthy: Yes.

(A short recess was taken.)

Mr. Reynolds: Mr. Johnson.

HARRY JOHNSON, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

807 *Direct Examination.*

Q. (By Mr. Reynolds.) What is your name?

A. Harry Johnson.

Q. What is your address?

A. 702 West 103rd Street.

Q. Chicago?

A. Chicago.

Q. Were you ever an employee of the Link Belt Company, Mr. Johnson?

A. Yes.

Q. What was the date on which you last worked?

A. I don't recall the exact date, it was in December, 1937.

Q. (By Trial Examiner McCarthy.) Was it the forepart of December or the last part of December?

A. The forepart, I think around the 8th.

Q. What kind of work did you do?

A. I am a boring mill operator.

Q. Boring mill operator?

A. Yes.

Q. (By Mr. Reynolds.) What department is that in?

A. That is in the machine shop.

Q. In the machine shop?

A. Yes.

Q. How long did you work for the Link Belt Company?

A. I worked for them in 1929, and I got laid off in 1930, and went back again in 1935.

Q. What month?

A. September.

Q. September?

A. Yes.

Q. And then you worked continuously for how long?

A. Until December, 1937.

Q. Now, are you a brother of Fred Johnson?

A. I am.

Q. Are you a member of the C. I. O.?

A. I am.

Q. When did you join the C. I. O.?

A. It was around January, 1937.

Q. January, 1937?

A. I think it was around there.

570 *Witness for National Labor Relations Board.*

Q. Who asked you to join?

A. Mr. Salmons.

Q. Where did that take place, if you remember?

A. No, I don't remember.

Q. Did you attend union meetings?

A. Oh, yes.

Q. The C. I. O. meetings?

A. Yes, sir.

Q. And have you taken part, an active part in the

C. I. O. work?

809 A. I have.

Q. Just what have you done?

A. Well, shortly after the Wagner Act was upheld by the Supreme Court, I took applications, C. I. O. applications, around the shop, during the lunch hour.

Q. And did you get signatures?

A. I got several, I can only recall one now.

Q. Do you recall whether another organization started up out there about that time?

A. Why, yes, the Independent Union of Craftsmen.

Q. All right, when did you first learn about it?

A. Well, that was shortly after the Wagner Act was upheld, I think it was in April of 1937.

Q. Now, what did you observe about the organization of that body?

A. You mean the Independent Union?

Q. The Independent Union, yes.

A. Well, all I observed was that several of the fellows went around the shop with a piece of paper, and tried to sign up members for the Independent Union.

Q. Do you recall the names of those that you saw?

A. Well, I recall two.

Q. Who were they?

A. One was Ray Frohling, and the other was Mr. Greenlee.

Q. Mr. Greenlee?

810 A. Bill Greenlee. I think his name is Bill, I am not sure, but I know his last name is Greenlee.

Q. Did either of these men approach you?

A. Well, Frohling did.

Q. About when was this, do you remember?

A. Well, it was—oh, I should say that was somewhere around in August of 1937, but he did not approach me with that slip of paper, he approached me with an application card, that white card that they had.

Q. What did he say?

A. Well, he asked me to sign up. I told him that—he

told me that he had a card for me to sign, to join the Independent Union.

I told him, "If you wait for me to sign it, you will wait a long time."

Q. (By Trial Examiner McCarthy.) Where did all this take place?

A. In the shop.

Q. What part?

A. The boring mill department.

Q. The boring mill department, what time of day?

A. In the afternoon.

Q. About what time?

A. Let's see, I was working nights at that time, and I just came in to work. I think it was four o'clock.

811 Q. Four o'clock?

A. Around four o'clock. I know I was not working then, I was ready to start, but he was working.

Q. He was working?

A. Yes.

Q. You were not working?

A. No.

Q. What time do you start working?

A. Five o'clock.

Q. What were you doing around the shop at four o'clock?

A. I used to get a ride, so I had to get there early.

Q. (By Mr. Reynolds.) Did he make any reply after you told him that?

A. No, he didn't say anything more.

Q. Did anybody else ask you at any later time?

A. No, I can't recall.

Q. To join the Independent Union?

A. Not that I can recall, no.

Q. Did anybody ever solicit dues from you?

A. No.

Q. Now, can you fix the last date that you worked for the company?

A. The last day?

Q. Yes.

A. Well, I can't say exactly, I think it was December 8th, but I am not positive.

812 Q. December 8th?

A. I know it was before the 15th, I know that.

Q. Now, what happened on that day?

A. Well, I was working nights at that time, and it was around twelve o'clock at night. We quit at one. We start at four-thirty in the afternoon and we quit at one

o'clock in the morning. Around midnight, twelve o'clock, the night foreman came to me, Pete Schan, and he told me I was laid off, to go and get my money in the office.

So I asked him about it, about the seniority, whether that applied. I told him there was three fellows that I knew on the day shift that was still working that had come into that department a year after I did.

Then he told me these other fellows were working in the office before. I knew that to be a fact, that they came from the office, but I asked if they worked that seniority by departments.

He said no, they go according to the day you were hired.

I told him if you are going by that, I was hired in 1929.

He said, "My orders are to lay you off."

Q. What did you say, did you answer him?

A. I just told him I couldn't understand that, what their policy was in the seniority rights, whether it 813 was going by departments in some departments of the shop and going according to the day they were hired in other parts of the shop. I don't think he understood it himself.

Q. Did you leave the plant then?

A. Yes, at one o'clock.

Q. Did you talk to anyone else before you left?

A. No.

Q. Schan just said he was told to lay you off?

A. Yes.

Q. Were there other men in that department with less seniority than you?

A. On days, yes.

Q. On day work?

A. Yes, sir.

Q. Now, you had not always worked nights, had you?

A. No, I had not.

Q. When were you transferred onto nights?

A. Let me see, I think it was—I was on nights about five months.

Q. At the time you were discharged?

A. Yes, sir.

Q. You had then been on nights for five months?

A. Yes, sir, just about five months.

Q. Then it was about the last part of June or early in July that you were transferred?

814 A. No, it was earlier than that.

Q. Earlier?

A. In May.

Q. Then it was more than five months?

A. More than five months?

Q. (By Trial Examiner McCarthy.) Were you the junior man on the night shift?

A. No, I was not.

Q. How many were junior to you on the night shift?

A. One other.

Q. One other. Was he laid off with you?

A. Yes.

Q. (By Mr. Reynolds.) He was laid off at the same time you were?

A. Yes, sir.

Q. In other words, the two junior men were laid off of the night shift?

A. Yes, sir.

Q. But there were men junior to you on the day shift?

A. Yes.

Q. Do you know why you were transferred onto nights from the day shift?

A. No, I don't.

Q. Were you a member of the C. I. O. at that time?

A. I was.

815 Q. Had you been active in soliciting for the C. I. O.?

A. I had.

Q. Is the work performed by the day shift the same as that performed at night?

A. It is.

Q. And you were competent to do the work on the day shift as well as the work on the night shift?

A. Well, yes, I had been doing a Government job there.

Q. You had been doing what?

A. A Government job that they were pretty strict about.

Q. You mean a Government contract?

A. That is right.

Q. (By Trial Examiner McCarthy.) You mean the specifications are more strict perhaps than on commercial jobs?

A. That is right.

Q. (By Mr. Reynolds.) How many men on the day shift did the same kind of work that you were doing that were younger than you?

A. Three.

574 *Witness for National Labor Relations Board.*

Q. Who were they?

A. I don't know their last names.

Q. Give their first names and tell their jobs.

A. One was Eddie.

Q. Eddie?

A. Eddie. Another one was Pete, and then there
816 was Harold McCafferty.

Q. Harold McCafferty. How much later than you
did these three men start to work for Link Belt?

A. I don't know when they started to work for Link
Belt, but I know when they came into that department.
They came into that department at least a year after I
did.

Q. Do you know whether they worked for the Link
Belt before that?

A. I know two of them did, and one of them later.

Q. Two of them?

A. Yes. One has worked in the office, and one in the
shipping room, one hadn't worked there before.

Q. (By Trial Examiner McCarthy.) Which one was
that?

A. Eddie hadn't worked there before.

Q. Where did Pete work?

A. Pete worked in the office.

Q. And McCafferty in the shipping room?

A. In the shipping room or the receiving room.

Q. (By Mr. Reynolds.) All three did exactly the same
kind of work that you did?

A. I wouldn't say that because I helped break them in
on the machines.

Q. You helped break all three in?

A. Yes.

Q. Do you know whether they all worked there
817 after you left?

A. They are still there to my knowledge.

Q. How much money did you make while you were
working there in the boring mill department?

A. I would like to start at the beginning, if I may.

Q. Yes, tell us what you made.

A. When I started there I started in on the boring
mill. Then they had a Government contract on the drill
press for finishing up links, and I was transferred over
on that job. When that job was finished, I went over to
the assembly for about a month, and then I went back to
the boring mill. When I went back to the boring mill I

was getting good work. What I mean by that is, jobs that paid good work rates, good piece work rates.

Q. (By Trial Examiner McCarthy.) Is this all piece work rates?

A. All piece work.

Q. You always worked on piece work while you worked for the Link Belt or did you work on an hourly rate?

A. Sometimes you would get a day work job, where there was no rate on it. Once in a while you get a job like that, but I should say 99 per cent of the time it was piece work. Then, as I say, I went back to the boring mill, and got some good jobs, I made good money, I made a dollar an hour.

Q. When was that?

818 A. It was after—I don't recall the exact time.

Q. (By Mr. Reynolds.) Well, at the time that you were discharged how much were you making?

A. Then I was getting—oh, I averaged around \$30.00 a week.

Q. \$30.00, around \$30.00?

A. Yes.

Q. How long had you been getting around \$30.00 a week before that time?

A. Before that?

Q. (By Trial Examiner McCarthy.) For how many months did you make \$30.00 a week?

A. I averaged that for five or six months.

Q. (By Mr. Reynolds.) Since you left the Link Belt Company how much money have you made?

A. \$23.50.

Q. How did you make that?

A. W. P. A.

Q. (By Trial Examiner McCarthy.) Did you make any more money?

A. No.

Q. (By Mr. Reynolds.) Have you looked for other work?

A. Oh, yes.

Q. And where have you looked for other work?

819 A. I went to the International Harvester, and I went down to the Electromotive plant in LaGrange, and down to the Pullman Car Company, numerous places. I can't recall them all, the Illinois Steel.

Q. You have never been called back by the Link Belt?

A. No.

- Q. Have you ever gone back there to ask for work?
 A. I went back once.
 Q. (By Trial Examiner McCarthy.) Who did you see?
 A. I saw Mr. Staske.
 Q. Stanley Staske?
 A. Yes, sir.
 Q. (By Mr. Reynolds.) What did he tell you?
 A. He told me it looked like they were going to lay off more men, that work was slack.
 Mr. Reynolds: That is all.
 Q. (By Trial Examiner McCarthy.) Do you want your job back?
 A. Certainly.
 Q. Was there any criticism of your work?
 A. I never had any criticism.
 Q. None of the bosses criticised you?
 A. No.
 Trial Examiner McCarthy: That is all.

Cross-Examination by Mr. Seyfarth.

- Q. You don't know the last name of Eddie and Pete?
 820 A. No, I don't.
 Q. Is Eddie tall or short?
 A. Short.
 Q. Is he heavy or light?
 A. Oh, he is average.
 Q. How old a man is he?
 A. I should say he is about twenty-four years old.
 Q. Is he light or dark complected?
 A. He has dark hair.
 Q. He is not bald?
 A. No, he is not bald.
 Q. Is Pete tall or short?
 A. Pete is short.
 Q. How old is he?
 A. I judge around the same age, twenty-three or four.
 Q. Is he light or dark complected?
 A. I don't know exactly how to describe him.
 Q. How much would you say he weighed?
 A. I should judge around 140 pounds.
 Trial Examiner McCarthy: Keep your voice up, please.
 Q. (By Mr. Seyfarth.) And these two men, Eddie and

Pete, were in the boring mill department, were they? Is that what it is known as?

A. Boring mill department.

Q. Boring mill department?

821 A. That is right.

Q. You say Eddie is the one who had not worked for Link Belt before?

A. To my knowledge.

Q. Do you know whether or not he is still employed by Link Belt?

A. From what I have heard, he still is.

Q. You don't know of your own knowledge?

A. No, I haven't been down there to see him.

Q. You were transferred to the boring mill department in May of 1937?

A. Transferred, yes.

Q. That is, you were transferred to night work in May of 1937?

A. That is right.

Q. Do you know why you were transferred to night work?

A. I haven't the slightest idea.

Q. Do you know whether or not it was because business had increased and the company was busy at that particular time?

A. I couldn't say.

Q. Do you know whether or not anybody else was transferred to night work at the same time that you were?

A. Not that I know of.

Q. You were the only one, is that right?

A. That is all I know.

822 Q. (By Trial Examiner McCarthy.) Did they have a regular night shift?

A. There is one.

Q. Is there a regular night shift?

A. Yes, sir.

Q. Or is it a shift which works on extra orders as they came in?

A. That night shift had been there for a year that I know of.

Q. (By Mr. Seyfarth.) You know that the night shift is increased or decreased from time to time?

A. Oh, yes.

Q. They did that, didn't they?

A. Yes, sir.

Q. Did you think, or do you think now that might have been the reason why you were put on nights?

A. It may have been.

Q. And you worked nights for how long?

A. Since May to December, from May to December.

Q. Do you know how many men, if any, were laid off at the same time you were?

A. I couldn't say.

Q. Do you know of any who were laid off?

A. Oh, yes.

Q. What—there were others laid off besides you?

823 A. Yes.

Q. (By Trial Examiner McCarthy.) How many?

A. I should say about four men, I couldn't say exactly.

Q. (By Mr. Seyfarth.) You say one, Ray Froling, approached you with regard to the Independent Union?

A. Yes, sir.

Q. Do you know how they spell his last name?

A. I think it is F-r-o-l-i-n-g.

Q. That was some time in August of 1937?

A. Around there.

Q. Where did he approach you?

A. Up at his place of work.

Q. Where were you working?

A. I was not working then, I just came in to work.

Q. Where was he working at that time?

A. He was working at his machine.

Q. And it was at his machine that he approached you?

A. No, I don't think so.

Q. Where did the conversation take place then?

A. Well, there is what they call the outside boring mill there, the larger boring mills.

Q. This took place in the large boring mills?

A. Yes, they have two sizes of boring mills.

Q. What job does Ray Froling hold with the Link Belt Company?

824 A. With the Link Belt Company?

Q. Yes.

A. As far as I know he is a boring mill operator.

Q. He is an operator, he is not a foreman?

A. No.

Q. You were also approached by Bill Greenlee?

A. I was then approached by Bill Greenlee.

Q. You just saw Bill Greenlee approach others, is that it?

A. That is right.

Q. What does Greenlee do at the plant?

A. I think he takes care of the rush orders in the office now, I am not sure, production.

Q. He is in production?

Trial Examiner McCarthy: No, he said in the office.

The Witness: In the office.

Q. (By Mr. Seyfarth.) He is an office employee?

A. That is right.

Q. And whereabouts does he work in the office?

A. He works in the planning room.

Q. In the planning room?

A. That is right.

Q. Who did you see him approach?

A. Oh, I saw him approach several fellows.

Q. Will you name them, please?

A. Well, he approached a fellow by the name of Bluett.

825 Q. Where did he approach him?

A. At his place of work.

Q. Where did Bluett work?

A. He worked on—oh, I don't know whether—I don't know just what you would call it, a sort of a turret lathe for boring out small sprockets.

Q. Was that in the foundry room?

A. No, that is in the machine shop.

Q. In the machine shop?

A. Yes.

Q. Who else did you see him approach?

A. An inspector by the name of Frank Val, I think his name is:

Q. Where did he approach him?

A. At his place of work.

Q. Where did he work?

A. He worked at the south end, inspecting.

Q. Worked at what?

A. Worked on inspection, at the south end of the machine shop.

Q. Did you see him approach anybody else?

A. Not that I can recall.

Q. And did this approach take place around in August of 1937?

A. I couldn't say.

826 Trial Examiner McCarthy: The witness testified that was in April.

Mr. Seyfarth: He testified that Ray Froling approached him in August, 1937.

Trial Examiner McCarthy: With the application?

The Witness: With the application.

Mr. Seyfarth: With the application, yes.

Q. (By Mr. Seyfarth.) Did you see Greenlee approach Bluett and Val at the same time Froling approached you with the application cards?

A. No.

Q. (By Trial Examiner McCarthy.) When was that?

A. Greenlee approached Val and Bluett at different times.

Q. How long before?

Q. (By Mr. Seyfarth.) How long before?

A. Oh, I would say a couple of months, possibly.

Q. Would you say sometime in June?

A. No, before that, maybe. At odd times they approached them.

Q. Did you ever have an opportunity to hear or did you ever hear any of the conversation Greenlee had with Bluett or Val?

A. No, I didn't.

Q. How far away from them were you?

A. I should say fifteen feet.

827 Q. You don't know what they were talking about?

A. Yes.

Q. How do you know what they were talking about?

A. Because he had that paper with him.

Q. You were able to see the printing on the paper?

A. No, not at that time.

Q. Did you see it afterwards?

A. Oh, yes, I had seen those papers, yes.

Q. You had seen the paper?

A. Yes.

Q. What you really saw was a paper in the hands of Greenlee when he went up and talked to Bluett and Val, isn't that correct?

A. Yes, sir.

Mr. Seyfarth: That is all.

Cross-Examination.

Q. (By Mr. Wham.) Harry, you are a brother of Fred Johnson, are you?

A. That is right.

Q. Are you and Fred on friendly terms?

A. Naturally, we are brothers.

Q. Do you live together?

A. No.

Q. Fred is pretty active in the C. I. O., isn't he?

A. Why, yes.

828 Q. You have taken applications for the C. I. O. in the plant there, I believe you said.

A. Yes, I have already mentioned that.

Q. Was that always at the noon hour?

A. I beg your pardon?

Q. Was that always during the noon hour?

A. Always during the noon hour.

Q. You didn't approach anybody during working hours?

A. No.

Q. Did you ever stop to speak to anybody about union business during working hours?

A. No.

Trial Examiner McCarthy: Keep your voice up, please.

The Witness: No.

Q. (By Mr. Wham.) Did you ever see any C. I. O. literature around the shop there?

Q. (By Trial Examiner McCarthy.) Do you know what he refers to?

A. I gather that he refers to the handbills or something of that sort.

Q. (By Mr. Wham.) Yes.

A. No, I haven't seen any except it is what the fellows carry in from the outside.

Q. They did not distribute any of it in the plant, then?

A. No, I have never seen any of that.

829 Mr. Wham: That is all.

Trial Examiner McCarthy: We will take a five minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: Mr. Wham, are you through with Mr. Johnson?

Mr. Wham: Yes.

Trial Examiner McCarthy: All right, you may be excused.

(Witness excused.)

Mr. Reynolds: I will call Mr. Abbott.

O. R. ABBOTT, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) Will you state your name and address, please?

A. O. R. Abbott, 132 South Michigan.

Q. What is your occupation, Mr. Abbott?

A. I am office manager for the National Metal Trades Association.

Q. Office manager?

A. Yes, sir.

Q. Are you here in response to a subpoena duces tecum which was served on you yesterday?

830 A. I am.

Q. Now, that subpoena called for the production of certain records. Do you have anything in response to that with you?

A. I do, yes.

(Handing documents to counsel.)

Q. Now, perhaps you had better describe what you have here so I will understand what it is.

A. It is correspondence between the Chicago plant of the Link Belt Company and our office.

Q. (By Trial Examiner McCarthy.) What period does it cover?

A. From January 1, 1933 to date.

Q. (By Mr. Reynolds.) Now, is that the date that the Link Belt Company became a member of the Metal Trades Association?

A. It became a member of the Association in 1905.

Q. In 1905?

A. Yes, sir.

Q. Now, is there anything among those documents—
Trial Examiner McCarthy: Excuse me, but what is the significance of the date, January 1, 1933?

The Witness: That is the date that they called for in the subpoena.

Q. (By Mr. Reynolds.) What do you have in there with reference to any other matters?

Trial Examiner McCarthy: Hadn't he better finish
831 what he has there?

Q. (By Mr. Reynolds.) Very well. Go ahead and describe what you have.

A. There are some receipt sheets, showing dues and assessments from the Link Belt Company; and I also

have payroll sheets showing the disbursements and collections to James Cousland.

Q. Now, can you give from those sheets showing the financial transactions with the Link Belt Company—

Trial Examiner McCarthy: You mean the payroll and assessments?

Q. (By Mr. Reynolds.) The payroll and assessments, the amount of money which was paid by the Link Belt Company to the National Metal Trades Association during the period that these records cover?

Trial Examiner McCarthy: Let's go through and cover all of the papers that he has brought in, and then you can give them to the attorneys to look at them.

Mr. Seyfarth: I was just going to suggest, if the Examiner please, that the documents speak for themselves. If they are admissible in evidence, I presume there is nothing to do about it.

Q. (By Trial Examiner McCarthy.) Have you any other papers there?

A. No, sir.

832 Q. (By Mr. Reynolds.) The subpoena, I believe, called for any reports made by James Cousland.

A. We don't have them in our office.

Q. You don't keep them. You keep no copy when you sent them on to the Link Belt Company?

A. We do not, no, sir.

Q. Do you recall what was done with those reports?

A. They were destroyed as soon as they were received and copied.

Q. They were destroyed by whom?

A. By my secretary.

Q. By your secretary?

A. Yes.

Q. And a copy was made which was sent to the Link Belt Company?

A. There was.

Q. Now, you have seen a number of reports that James Cousland has submitted, have you not?

A. I have.

Q. Take the period from 1933 to 1936, both inclusive, can you describe what the subject matter of those reports was generally?

A. When the man was turned over to me in 1933 I understood—

Mr. Seyfarth: I can't hear the witness, Mr. Examiner.

A. When the man was turned over to me in 1933
833 I understood his duties were to report on production
and efficiency matters, and that is what he followed
out in all of his reports.

Q. (By Mr. Reynolds.) And did that same type of in-
formation comprise his reports at all times?

A. It did, yes, sir.

Q. Did he never report to you on any other matter,
or on any matter regarding labor relations?

A. He did not.

Q. He did not?

A. He did not. He would probably submit one re-
port a month on the production and safety methods.

Q. Why were his reports destroyed as soon as they
were received by your office?

A. Because it is the custom to destroy all of those
reports.

Q. Why was that custom followed?

A. I couldn't say, it was the policy of the office, and I
was following out the instructions in the matter.

Q. (By Trial Examiner McCarthy.) Who gave you
the instructions?

A. The Commissioner.

Q. Who?

A. The Commissioner, Mr. Sayre.

Q. (By Mr. Reynolds.) Now, Mr. Abbott, you testi-
fied before the Senate Committee on this matter, did you
not?

834 A. I did.

Q. Do you remember a number of questions that
Senator LaFollette propounded to you with reference to
a certain exhibit which was being introduced, an exhibit
of special operatives of the National Metal Trades Asso-
ciation?

A. Yes, I do.

Q. And on that exhibit do you know that James Cous-
land was one of the names appearing on that exhibit?

A. I do.

Q. Now, do you recall that Senator LaFollette asked
you the following question:

"Now, these general operatives, I assume, are also, and
if my assumption is not correct, please so state, that they
among other things are also interested, as the special
operatives are, in reporting on the labor situation and
the labor agitation?";
and to which you answered:

"Yes, sir."

A. I did.

Q. Isn't that right?

A. Yes, sir.

Q. "Union activity and so forth?", Mr. LaFollette then asked you and you said, "Yes, sir."?

A. Yes.

Q. And Senator LaFollette said:

835 "These reports, I assume, also would contain information, if the operatives were able to obtain it, of labor union meetings, labor organization, drives that might be under way in the community?"; to which you answered:

"Yes, sir."

A. I did.

Q. Now, is that correct, those answers that you gave, are those answers correct

A. They were correct.

Q. Now, how does it happen you have special testimony to give about James Cousland?

A. This man was never a member of any union.

Q. He was never a member of any union?

A. No.

Q. How did you get that information?

A. Well, his reports never so indicated.

Q. Well, if he testified in this court room that he joined the C. I. O. and later joined the Independent Union out there, that is something that you knew nothing about?

A. It has probably been since we had contact with him.

Q. When did you withdraw your dealings with James Cousland?

A. October, 1936.

Q. Now, what are the circumstances under which that action—under which that connection was broken?

836 A. At that time it was decided to discontinue that type of service.

Q. (By Trial Examiner McCarthy.) What type of service?

A. Those secret operatives.

Q. (By Mr. Reynolds.) What prompted the decision to stop the service of the secret operatives?

A. Probably the Federal legislation in Washington and the LaFollette investigation.

Q. Now, what did the labor legislation have to do with

Mr. Cousland's reports, if he reported on conditions of work, as you testified?

A. We dropped all those men who were being carried on the special payroll.

Q. (By Trial Examiner McCarthy.) Cousland was carried on the special payroll?

A. He was.

Q. (By Mr. Reynolds.) Do you mean to say that Mr. Cousland's reports never had anything to do with labor matters?

A. They did not.

Q. Never mentioned any activities carried on in the plant?

A. Not to my knowledge.

Q. Did you read all of the reports that he sent in?

A. No, a great deal of the time the detail would be handled by some one on the staff in the office.

Q. Can you tell us what the reasons were for de-
837 stroying those reports if they contained nothing about labor matters?

A. It was not our policy to keep any of that material.

Q. Now, did all of your secret operatives report merely on piece work matters or did some of them report on labor?

A. Well, some of them reported on labor matters.

Q. Isn't it a fact that all of them reported on labor matters?

A. It is not. Some of them would cover conditions of work or spoilage of materials.

Q. But isn't it a fact that since 1933 reports on labor matters form the principal part of the reports of the secret operatives to you?

A. I would say the greater percentage.

Q. The greater percentage?

A. Yes.

Q. Isn't it a fact also, as was brought out in this Senate investigation, that your payroll increased after 1932?

A. That is right.

Q. You added on a number of extra operatives, did you not?

A. That is correct.

Q. And were those men added for the purpose of labor espionage?

A. Not altogether. There was a decided increase in business after 1933, that is, emerging from the depression.

Q. Would you say the principal reason was there 838. was an increased demand for labor espionage?

A. No, I would not.

Mr. Seyfarth: I am going to object to this line of questions unless it is connected up with the Link Belt Company. The witness has testified to labor reports from other companies, and it is not necessarily connected up with the Link Belt Company, and Mr. Cousland's reports contained nothing of this matter. I don't see why those questions should be pursued.

Trial Examiner McCarthy: We will proceed.

Q. (By Mr. Reynolds.) Do you have any application for membership of the Link Belt Company in the National Metal Trades Association?

A. As I say, the company became a member in 1905. The correspondence evidently was destroyed over the intervening years, so it is not on record.

Q. Now, Mr. Cousland had been connected for a long time with the National Metal Trades Association?

A. Previous to my connection with the office, yes, sir.

Q. Did he ever deliver his reports in person?

A. I have never seen the man.

Q. Never saw him?

A. I never saw him, no.

Q. He always sent in letters?

A. Yes.

839 Q. (By Trial Examiner McCarthy.) How did you pay him?

A. On his expense voucher, that is his incidental expenses. It was paid by American Express Money Order.

Q. (By Mr. Reynolds.) Do your records there show the amount paid to Cousland?

A. I believe they do, yes, sir.

Q. Will you state what?

Trial Examiner McCarthy: Let's see what you have there.

(Documents handed to the Trial Examiner.)

Q. (By Trial Examiner McCarthy.) What is the meaning of the words "S. C. O. Fund"?

A. Special fund for special contract operatives.

Q. What is the meaning of the number 128?

A. That is his number.

Q. Let me see the rest of the papers.

(Documents handed to the Trial Examiner.)

Q. (By Mr. Reynolds.) Now, what is the difference

between a special contract operative and a general contract operative?

A. A special contract operative, that would apply to a whole group; and the general operative would be working in a community but not perhaps on any particular contract.

Q. What did the general contract operatives do?

A. Reported on sentiment in the community.

840 Q. What kind of sentiment?

A. Public sentiment, union sentiment.

Q. Union sentiment principally, though?

A. Yes.

Q. Now, the special contract operatives were those assigned to a particular plant?

A. It would include the whole group.

Q. Include both general and special?

A. That is right.

Q. What is the difference between special and general operatives, then?

A. The general operatives would not be on a plant assignment.

Q. The special operative would be on a plant assignment?

A. Or a general assignment.

Q. How did you secure these operatives?

A. Most of them have been in our employ for a great many years. Others might be referred to us from some other organization.

Q. Now, did you give any instructions at all to these special contract operatives about how to perform their work?

A. In some cases I did.

Q. Were there ever any instructions given to Mr. Cousland?

A. I have never seen Mr. Cousland.

Q. Do you know whether any instructions were
841 ever given to him?

A. I don't know for sure. I don't think I have ever had any correspondence with the man except to mail him his pay check.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Who had the contact with Cousland? He must have been contacted some time.

A. You mean that plant contact?

Q. How would Cousland know what to report on, how to carry on his work? There were some instructions given him, were there not?

A. I don't know that he had any at the plant. We were not in contact with him, except to pay his salary.

Mr. Seyfarth: I can't hear the witness, Mr. Examiner.

Q. (By Trial Examiner McCarthy.) The point is, you certainly did not keep him on the payroll from 1919 without knowing what he was doing. In other words, everything that he did from 1919 on was not entirely satisfactory to you without some direction or suggestion, was it?

A. As I say, he merely reported about once a month. If we did not hear from him we knew there was nothing of importance that he had on his mind.

Q. In all of those years there was no contact with him?

A. Not by me.

Q. By the Association? You would know if a 842 member or an operative of the Association had a contact with him?

A. I don't think the office has ever seen him, although during that period I was away in New York for four years.

Q. You don't allow a man to run loose around the countryside without some control over him, do you?

A. It was an inconsequential assignment. He was paid on an average seven or eight dollars a month, and there was no particular interest in his activities as long as he came up with something occasionally.

Q. Pay off once in a while?

A. Yes, his payroll there will average seven or eight dollars. That is all the amount that was involved.

Q. But doesn't that suggest that the value of his efficiency reports was of secondary consideration?

A. I would not say so, no, sir.

Direct Examination (Resumed).

Q. (By Mr. Reynolds.) Now, after the year 1933, Mr. Abbott, the amounts of money paid by the Link Belt Company to the National Metal Trades Association increased sharply each year, did they not, up until at least 1936?

A. As business conditions improved, they probably did.

Q. And as labor organization increased also?

A. No, that is not necessarily so.

Mr. Seyfarth: I will object to that, if the Examiner please. This is his witness and I think he is carrying his questions beyond the bounds of propriety.

Trial Examiner McCarthy: Overruled.

Q. (By Mr. Reynolds.) Now, you remember that Senator LaFollette asked you similar questions about the fact that your payroll did increase during that period?

A. It did not increase on this particular individual, though.

Q. But it did as far as the Link Belt Company was concerned?

A. That is as their number of shop operators increased, the labor, the number of people they employed. If they employed more men, the greater their assessment was.

Q. (By Trial Examiner McCarthy.) It was increased by the number of employees they had?

A. That is correct.

Q. Not by the number of operators in the plant?

A. By the number of production employees they had.

Q. But not by the number of operators they had in the plant?

A. Yes, sir.

Q. (By Mr. Reynolds.) Is James Cousland the only operative the National Metal Trades Association had in the Link Belt Company?

A. That is correct.

Q. You never had any special operatives for a short period of time in the Link Belt Company?

A. No, sir.

Q. Has the National Metal Trade Association ever, 844 so far as you know, given any counsel or advice to the Link Belt Company on labor matters?

A. I assume they have. I have seen Mr. Torrence and Mr. Kauffmann in our office to see Mr. Sayre.

Q. (By Trial Examiner McCarthy.) I notice on April 27th, 1937, the National Metal Trades Association sent a bulletin entitled "Some Questions and Answers Concerning the Wagner Act".

A. That is right.

Q. Have you got a copy of that?

A. I haven't a copy with me here. It was an analysis of the Wagner Act.

Q. Will you be good enough to give us a copy?

A. I will.

Q. (By Mr. Reynolds.) Do you know who prepared those questions and answers, Mr. Abbott?

A. It was prepared in our office, I think in cooperation with Mr. Clarke.

Q. Of the law firm of Fyffe & Clarke?

A. Yes, sir.

Trial Examiner McCarthy: Mr. Berry, do you recall the questionnaire of questions and answers on the Wagner Act?

Mr. Berry: Yes, sir.

Trial Examiner McCarthy: You haven't got a copy with you?

845 Mr. Berry: Not here, I may have one at the plant, I don't know.

Q. (By Mr. Reynolds.) Did you have any conferences or conversations with Mr. Berry, the assistant general manager of the Link Belt Company?

A. The only time I talked with him, excepting today, was over the telephone.

Q. He was the man you sent Cousland's reports to, was he not?

A. Yes, sir.

Q. So Mr. Berry undoubtedly has those reports in his possession, would you say?

A. I would not say he has, no, sir.

Q. You think that possibly Mr. Berry burned them?

Mr. Seyfarth: I object to that.

Trial Examiner McCarthy: That is the inference that is drawn from the remark.

The Witness: I can't tell.

Mr. Seyfarth: I will object and ask that it be stricken out.

Mr. Reynolds: I will ask that he produce them.

Mr. Seyfarth: We will produce them if we have got them.

Q. (By Mr. Reynolds.) Now, Mr. Abbott, in Exhibit 415 which was submitted to the LaFollette Committee, it indicates that Mr. Cousland, operative No. 128, received expenses, received his expenses for the work that he performed?

A. Yes, sir.

Q. What does that mean, his expenses?

A. All that was turned in was incidental expenses, from five to twelve dollars a month. As long as the practice had been in vogue at the office before my time, and

the company had been paying the invoices, I never questioned it, I always approved his invoices.

Q. The Link Belt Company paid the invoices, is that right?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) The invoices are the assessments based on the number of employees in the plant?

A. No, just for this man's services, his incidental expenses.

Q. (By Mr. Reynolds.) Well, he was in your employ but the Link Belt Company paid him, is that correct?

A. That is correct, yes.

Q. Then the Link Belt Company's assessments that it paid the National Metal Trade Association is entirely separate from Cousland?

A. That is correct.

Q. (By Trial Examiner McCarthy.) Didn't Cousland get any other income besides his expenses?

A. That is all.

Q. In other words, he would go to the telephone, 847 put in a nickel, and you would give him the nickel back?

A. That is correct.

Q. He got no other compensation?

A. Only what he made in the shop. Of course, he was on the shop payroll.

Q. Why would a man do that? Do you know any good reason? It is rather unusual for a man to go out of his way and get nothing for it.

A. Well, I assume he is a loyal employee of the company.

Q. (By Mr. Reynolds.) So the National Metal Trades Association never audited any of the expense accounts that he submitted, is that right?

A. It was not itemized, it was just grouped as incidental expenses, five or six dollars, as the case might be. I did not check up to see where he was spending his time.

Q. You submitted the bill to the company and the company paid you?

A. That is right.

Q. Then you paid Cousland?

A. We paid Cousland before we billed the company.

Q. You don't know whether the company ever checked up on his expenses or not?

A. I know the bills were never questioned.

Q. (By Trial Examiner McCarthy.) Did he ever give any items as to what those expenditures were?

848 A. He did not, just incidental expenses.

Q. (By Mr. Reynolds.) Now, did you notify Mr. Cousland that he was not to report any further?

A. I think I telephoned Mr. Berry.

Q. You telephoned Mr. Berry?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Did he tell Cousland?

A. I don't know what he told him.

Q. So far as you know, following your telephone conversation with Mr. Berry, Cousland's reports stopped and his incidental expense items ceased?

A. As far as we were concerned, yes, sir.

Q. Were any other arrangements made in lieu of the old arrangement?

A. No, sir.

Q. (By Mr. Reynolds.) Now, this was about contemporaneous with the decision of the National Metal Trades Association to cease all espionage activities?

A. That is correct.

Q. Is that right?

A. That is right.

Q. And the only reason that you have for stopping espionage activities was because of the passing of legislation that had in it the rights of labor which were upheld by the Wagner Act?

849 Mr. Seyfarth: I object to arguing the case by questions like that.

Trial Examiner McCarthy: Read the question back, please.

(Question read.)

Trial Examiner McCarthy: As I understand it, that was one of the reasons.

Q. (By Trial Examiner McCarthy.) That was the reason you discontinued secret operatives, was because of the Federal labor legislation?

A. That is correct.

Q. So that question is in line with your former answers?

A. Yes.

Trial Examiner McCarthy: You may answer.

A. Yes.

Q. (By Mr. Reynolds.) Now, you say Mr. Cousland had no relation to labor?

A. We dropped all men on that special payroll, regardless of what they were checking up on, conditions, spoilage of material, communism or anything else.

Q. Did Mr. Cousland report on communism?

A. He did not.

Q. Didn't he ever report on other matters except some details about the work out there?

Mr. Seyfarth: I object; he has answered that question five times, Mr. Examiner.

Trial Examiner McCarthy: Will you read the question, please?

(Question read.)

Trial Examiner McCarthy: He may answer.

A. To my knowledge he did not.

Q. (By Mr. Reynolds.) Wasn't it the understanding of all operatives, all secret operatives employed by the National Metal Trades Association, that there were certain subjects that they were supposed to cover in their investigation?

A. I never gave the men any instructions, I have never seen them.

Q. Have you given any instructions to any of the secret operatives?

A. I probably have, yes.

Q. What do you customarily tell the secret operatives when you tell them about their jobs?

A. I tell them to go into the establishment and make an analysis of conditions just as they find them, whether it is good, bad or indifferent.

Q. That is not very definite. Do you give them any definite instructions?

Mr. Seyfarth: I will object, unless this is shown to have been given to Mr. Cousland.

Trial Examiner McCarthy: Overruled.

851 A. As to plant morale, attitude of the men toward the foremen, and vice president, conditions, spoilage of material, bringing intoxicating liquor into the plant.

Q. (By Mr. Reynolds.) Those were the—

A. Foremen accepting pay from workers to give them a better job, which should be corrected, of course.

Q. You never said anything to them about communism?

A. I probably have, yes, sir.

Q. Probably have. You remember that you gave them instructions along this line?

A. All cases are not on this particular line; in a particular case I might.

Q. (By Trial Examiner McCarthy.) It depends upon what the employer desires, is that not so?

A. That is correct.

Q. In other words, you are largely governed by what the employer wants?

A. That is right.

Q. If that is the purpose of the employer, to get at the facts, why couldn't the employer do that directly, what he is doing indirectly?

A. It could be handled that way. In this case—

Q. What is the justification for having an Association do it? Do you offer a better service than the employer can offer himself?

852 A. Probably a trained observer can perform a more satisfactory job.

Q. In other words, you feel you are better able to hire trained observers as a general practice, rather than the individual employer who might hire someone to do this work?

A. That is correct.

Q. (By Mr. Reynolds.) Now, Mr. Abbott, I call your attention to Board's Exhibit 3 which is an excerpt taken from a report of the Committee on Education and Labor of the Senate, which refers to "Table of \$9,440,132.15 Expenditures on Industrial Espionage, Munitioning, and Strike Breaking, 1935-37".

(Handing document to the witness.)

Q. Are you familiar with that table?

A. I am not, no, sir.

Mr. Seyfarth: If the Examiner please, I heard some statement at the beginning of the hearing about cutting down the record—

Trial Examiner McCarthy: This is off the record.

(Discussion off the record.)

Trial Examiner McCarthy: Objection overruled.

Mr. Reynolds: I want to respectfully submit to counsel that the Link Belt Company also contributed to this table of \$9,440,000.00; that is the reason I want to bring out something about it.

Q. (By Mr. Reynolds.) Now, you notice that one 853 of the items refers to contributions by the Link Belt Company for espionage for four separate years there. Do you have in connection with that—

A. The report is not correct, because this contribution is not for espionage.

Q: Now is that expenditure covered by the footnote on the first page, which explains the table?

A. These figures—I don't know the source of them—evidently include the dues of the Link Belt Company and the assessments.

Q. (By Trial Examiner McCarthy.) What other facilities does the Association offer to employers than those we have been discussing?

Q. We were one of the first organizations in the country which became interested in safety. We were one of the first organizations in the country that became interested in apprenticeship training, foremen training and employee co-operation. There is only a small percentage of our members who ever use this secret service, probably a fraction of one per cent, I don't know the exact figure.

Q. A fraction of one per cent?

A. Yes.

Q. (By Mr. Reynolds.) Now, Mr. Abbott, you have been associated in this work for quite a long time. Do you know in general what purposes your clients have 854 in calling for this secret service?

A. Evidently so that the management can get at the sentiment of their men.

Q. What do you mean by that?

A. It may mean any number of things, whether the men were satisfied with their conditions, and if some of those conditions could be corrected by the management.

Q. Now, "sentiment" is a very broad term. It would also include sentiment about labor organization, would it not?

A. It would.

Q. And one of the purposes, maybe one of the principal purposes of getting secret service on sentiment in the plant would be to find out the sentiment on labor organization, would it not?

A. It would.

Q. How important would you say that might have been, learning about the labor sentiment of the employees, how important would that be among those of your employers who use this secret service?

A. It depends on the requirements of the individual plant manager; I couldn't answer that question.

Q. Are you familiar enough with the Link Belt Company situation to know the reasons why the Link Belt Company wanted that information?

A. I have never known the Link Belt Company to have any labor trouble since 1906.

Q. Since 1906. Have they ever discussed labor policy with you?

A. They have not.

Q. They might have with Mr. Sayre?

A. Yes.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Do you know what the Commissioner, Mr. Sayre, had in mind on October 16, 1936, when he asked Mr. G. W. Ostrand—"I should like to sit down and discuss in detail with you some of the more important activities which our Association is carrying on, designed to establish closer relations between employers and employees"?

A. I am assuming he is referring to employer-employee cooperation.

Q. Cooperation. Would you mind giving the details?

A. I am not in charge of that department. There is another individual who is in charge of that work.

Q. What department are you in charge of?

A. I am the office manager.

Q. You are in touch generally with the activities of the Association necessarily, are you not?

A. Well, largely correspondence. We have branches established that I do not supervise, and I do not have anything to do with that. We also have industrial relations supervisors, and I do not have anything to do with that.

Q. What do you mean by cooperation, do you mean company unions?

A. No, sir.

Q. I think that was before the Wagner Act was held constitutional, that letter?

A. Yes.

Q. If it did not mean company unions, do you know what it means?

A. It did not mean the company union, because we have never advocated the formation of any group of men.

Q. How did this cooperation express itself, then?

A. That is plant welfare.

Q. You mean the welfare of the men in the plant?

A. The welfare of the men in the plant.

Q. In what direction? How was that carried out?

A. Recreational activities, thrift plans, and things along that line.

Q. You think that is what Mr. Sayre had in mind when he wanted the general manager to come down and talk to him about "the more important activities which our Association is carrying on, designed to establish closer relations between employers and employees"?

A. I believe that is it, yes, sir.

Mr. Seyfarth: May I ask if the Examiner is reading from a letter which is addressed to the Link Belt Company or any of its agents, from the National Metal Trades Association?

Trial Examiner McCarthy: I suppose so, Mr. Ostrand is general manager of the Link Belt, is he not?

Mr. Seyfarth: What is the date of the letter?

Trial Examiner McCarthy: October 16, 1936.

Mr. Seyfarth: Would you mind reading the whole letter, to keep the record straight?

Trial Examiner McCarthy: I will give you the whole letter to read by yourself, sir. You may proceed.

Direct Examination (Resumed).

Q. (By Mr. Reynolds.) Now, Mr. Abbott, do you say that the average amount that was received by Mr. Cousland would be around seven or eight dollars a month?

A. I think it runs from five to twelve dollars every month, yes, sir.

Q. (By Trial Examiner McCarthy.) That is only for expenses, though, isn't it?

A. Expenses, yes, sir.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: And not salary?

Mr. Reynolds: He never received any.

The Witness: We never paid him any salary.

Q. (By Mr. Reynolds.) Now, I show you this memorandum purporting to cover the period from March 858 15, 1936 until December 15, 1936.

(Handing document to the witness.)

Q. Will you state the amounts? Does that all refer to special operative No. 128?

A. No, it is the company's assessment for dues. This is Cousland (indicating).

Q. Oh, yes. I show you this sheet marked Sheet No. 3, and ask you about the amounts paid Mr. Cousland. Will you state them month by month?

A. April 30, 1935, \$9.00; May, 1935, \$9.36; June, 1935, \$9.00; July, 1935, \$9.50; August, \$10.00; September, \$9.35; October, \$9.47; November, \$9.14; December, \$10.00; January, 1936, \$9.35; February, 1936, \$8.90.

Q. And the average is somewhat over eight dollars?

A. The sheet you have there will lower it considerably.

Q. This sheet?

(Handing document to the witness.)

A. Yes, sir.

Q. Will you state the dates and the amounts shown on it?

A. March, 1933, \$10.00; April, \$9.50; May, \$9.30; June, \$7.59; July, \$8.00; August, \$5.75; September, \$6.00; October, \$5.57; November, \$5.50; December, \$7.00; January, 1933, \$7.21; February, \$9.00.

Q. That is, that was the year 1933, those expenses?

A. That is right.

859 Q. Is that a duplicate of this sheet? (Indicating.)

A. Yes, this one is the journal, and the other is a duplication, the other sheet is a duplication.

Q. Now, those amounts run pretty uniform, do they not, Mr. Abbott, nearly the same amount from month to month?

A. That is right.

Q. Indicating that the expenses are fairly constant?

A. That is right.

Q. The same type of expenses?

A. Yes.

Q. Now, do you have any idea of what type of expenses they were, for what purpose these amounts were used?

A. I have not. I found the arrangement prevailing at the office when I took that work over, and I have never checked up the man since.

Q. You left that to the company more or less?

A. Yes, I did.

Q. To see that there were not any overcharges?

A. That is right.

Q. Is the Link Belt Company still a member of the National Metal Trades Association?

A. Yes, sir.

Q. Still pay their regular assessments?

A. Promptly.

Q. Are the assessments more or less this year 860 than they were last?

A. They are probably less this year than they were last, although I don't have the details.

Q. Do you think that is true on account of the depression?

A. Yes, sir.

Q. And fewer number of workers in the plant?

A. That is right.

Mr. Reynolds: Off the record.

Trial Examiner McCarthy: Off the record.

(Discussion off the record.)

Trial Examiner McCarthy: We will take a five minute recess.

(A short recess was taken.)

Trial Examiner McCarthy: You may proceed.

Q. (By Mr. Reynolds.) Now, Mr. Abbott, I show you again this original record relating to payments made to Mr. Cousland, operative No. 128, and ask you for the meaning of the letters and symbols that appear on the various columns.

A. That is the journal voucher.

Q. J. V. means Journal Voucher?

A. Yes, sir.

Q. (By Mr. Seyfarth.) Where does that appear?

A. Here. (Indicating.)

Q. (By Mr. Reynolds.) And what do the letters in the columns mean?

861 A. That is the folio number, as it is posted on the books.

Q. Now, does this record of assessments paid by the Link Belt Company to the National Metal Trades Association bring us down to date on those payments?

A. Yes, sir, the December 15th quarterly assessment was the last one.

Q. What was the amount of that last assessment?

A. \$157.50 and \$17.50 dues for the superintendents and foremens club, which is conducted by the Chicago branch.

Q. (By Trial Examiner McCarthy.) What was the last?

A. Superintendents and foremens club, which is conducted by the Chicago branch.

Q. What is that organization?

A. Well, it is an organization among the foremen and superintendents to discuss plant operation.

Q. In this plant or in all?

A. In all plants in the district. They have a picnic every year.

Q. (By Mr. Reynolds.) Now, does this foremens association take up labor relation problems also?

A. They do.

Q. They discuss unions and union organization?

A. I have never been in attendance at any of their meetings, I don't know what they do discuss.

Q. But it is connected with the National Metal 862 Trades Association?

A. It is.

Q. And all their financial transactions are handled through your office?

A. That is right. That is, the Chicago branch makes collections for the Chicago Association.

Q. (By Trial Examiner McCarthy.) The Chicago branch?

A. Yes.

Q. The National Metal Trades Association makes collections from the employers in this area, in the Chicago area?

A. Yes, sir.

Q. How many are included in that group?

A. How many plants?

Q. Yes, how many plants?

A. 166.

Q. (By Mr. Reynolds.) And does the National Metal Trades Association provide facilities for their meetings?

A. I don't know as to that. They hold their meetings in different places; sometimes in halls, and they have a picnic. I don't know where they do hold their meetings, because I am not a member of the club.

Q. Now, what service does the National Metal Trades Association render to this club, then?

A. I couldn't say, it is a branch activity, handled by the branch. I don't have contact with it.

Q. (By Trial Examiner McCarthy.) What branch?

A. The Chicago branch.

Q. You are the office manager of the Chicago branch?

A. I am office manager of the Central Association. We have twenty-six branches throughout different industrial centers.

Q. Have you the purposes for which the Association was organized?

A. The constitution and by-laws.

Q. No, the purposes for which it was organized; for instance, the literature that you send out to the employers, to sell them on the idea, do you have anything like that?

A. We have a list of our publications and things like that.

Q. You haven't any statement of the purposes for which the Association is organized?

A. That is covered in our constitution and by-laws.

Q. Do you happen to have a copy of that available from which an excerpt could be read into the record?

A. I do.

Q. Will you be good enough to produce it?

(Witness produces document.)

Q. Just identify what you are reading from. Will you identify what you are reading from?

A. Constitution and By-Laws and Declaration of Principles.

864 Q. That is enough.

Q. (By Mr. Seyfarth.) What are you reading now, the Declaration of Principles?

A. "Constitution. Article I. Name and Object."—

Q. (By Trial Examiner McCarthy.) Just get down to the purposes or the principles.

Mr. Seyfarth: I think the object is what the Examiner wants.

The Witness: "The purposes of this Association are to secure and preserve equitable conditions in the workshops of members for the protection of both employer and employee. Members of this Association shall be persons, firms or corporations engaged as principals owning or controlling manufacturing plants operating principally in the metal trades or in the trades employing metal workers as hereinafter classified."

I believe the Board also has a copy of this Constitution. Trial Examiner McCarthy. Of course, each one of these records stands on its own bottom.

Direct Examination (Resumed).

Q. (By Mr. Reynolds.) Now, this constitution was amended along last April or May, was it not?

A. It was, in the middle of the summer, yes, sir.

Q. Now, what was the nature of the amendment?

865 Mr. Seyfarth: I object because that is immaterial.
Trial Examiner McCarthy: Overruled.

A. Not having a copy of the previous constitution here, I could not indicate all the changes. I know there was a general revision of it by our executive committee.

Q. (By Mr. Reynolds.) You know in general what the revision was, do you not?

A. One revision was about not dealing with striking employees as a body. That was removed.

Q. (By Trial Examiner McCarthy.) Dealing with striking employees, what do you mean?

A. Not dealing with striking employees as a body. That was eliminated.

Q. (By Mr. Reynolds.) You are referring to the fact that in the original constitution there was a declaration of principle that no member of the Association would deal with striking employees as a body; is that what you mean?

A. That is right.

Q. In the middle of last summer that provision was eliminated from the constitution?

A. That is right.

Q. Now, do you know the reason for the elimination of that provision?

A. It was to comply with the Federal law.

Q. Now, Mr. Abbott, referring to this collection of
866 copies of letter passing between the office of the National Metal Trades Association and the Link Belt Company between 1933 and 1937; it is a fact, is it not, that the general tenor of these letters has to do with industrial relationships?

Mr. Seyfarth: I object, if it please the Examiner. The letters are the best evidence, and we agreed with Mr. Reynolds that they might be admitted in evidence on stipulation.

Trial Examiner McCarthy: They will be received. The objection is overruled.

Proceed.

Q. (By Mr. Reynolds.) Would you say that that was the general purport of these letters, the general reference?

A. The majority of them I would, yes.

Q. Now, is it not true that since 1933, since the passage of the National Recovery Act with its Section 7 (a), that the principal activity of the National Metal Trades Association has revolved about industrial relationships which might be affected by Section 7 (a) and later by the Wagner Act?

Mr. Seyfarth: I object to its materiality.

Trial Examiner McCarthy: Overruled.

A. I would not say that it was, that is only one of our activities.

Q. (By Trial Examiner McCarthy.) Isn't that the whole purport of the principal contents of that exhibit?

The Examiner glanced through it hurriedly and noticed 867 that there were five or six items in it. One of them was, "Some Questions and Answers Concerning the Wagner Act." Then there was the invitation of October 16, 1936, to "Discuss in Detail With You Some of the More Important Activities which our Association is carrying on, designed to establish closer relations between employers and employees." And there are references to tax deductions for social security; another reference to the League for Industrial Rights, regarding court decisions in relation to the National Labor Relations Board; and another one, another letter referring to "Practical Treatment of Industrial Relations Problems."

Now, that seems to be the reason for which the Link Belt apparently was largely interested for its expenditure of \$600.00 a year; largely interested in industrial relations concerning employer and employee.

Is that correct?

A. I would not say that that was the case.

Q. (By Mr. Seyfarth.) What was the answer?

A. I would not say that that was the case.

Q. (By Trial Examiner McCarthy.) What is correct?

A. We are also interested in improving training and safety.

Trial Examiner McCarthy: But in that correspondence there is nothing relating to safety or training.

Q. (By Mr. Reynolds.) Is that all the correspondence that you have had?

868 A. It is.

Q. During those years?

A. Yes, sir.

Q. And now, you have said the general purport of those letters is with reference to industrial relationships, employee-employer relations, isn't that right?

A. That is the purpose of the Association, yes, sir.

Mr. Reynolds: That is all.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: I will offer as Board's Exhibit 18 this collective exhibit of letters passing between the Na-

tional Metal Trades Association and the Link Belt Company.

Mr. Seyfarth: If it please the Examiner, I stipulated with Mr. Reynolds before he resumed the direct examination of this witness to introduction of this exhibit. I would like to have the record show that it is on stipulation.

Mr. Reynolds: This collection of letters consists of thirty-three letters, according to my count, and the dates range between June 9, 1933 and April 30, 1937.

Trial Examiner McCarthy: They will be received.

(Thereupon the documents above referred to were marked "BOARD'S EXHIBIT NO. 18", and were received in evidence.)

Q. (By Trial Examiner McCarthy.) In Board's Exhibit 18 there is a letter dated April 16, 1936, from the 869 Link Belt Company, signed by E. B. Vickers, office manager, addressed to Harry S. Flynn, secretary of the Association, which says:

"Will you kindly change Mr. Kauffman's address on your records and remove his name from your general mailing list? Mr. E. J. Burnell, general manager, and Mr. E. L. Berry, assistant general manager at this office, should receive your circular material, and of course Mr. Kauffmann will still be interested in the more important activities of the Association." Then on April 18th the office manager replied to Mr. Vickers of the Link Belt Company. The initials are "J. J. L."

The Witness: That is J. J. Lamb, who was office manager at that time.

Q. (By Trial Examiner McCarthy.) He says:

"We are making changes on our office records so that Mr. E. J. Burnell, general manager, and Mr. E. L. Berry, assistant general manager, at your office, will receive our material."

Do you know why there was any change as outlined in those two letters?

A. In the management of the Link Belt Company?

Q. Yes.

A. I never knew the details. All I know is that Mr. Torrence left the company and was succeeded by Mr. 870 Kauffmann, who was formerly one of the vice presidents.

Trial Examiner McCarthy: That is all.

Mr. Reynolds: Now, just one or two other questions.

Q. (By Mr. Reynolds.) You said that that entire group

of secret operatives, special operatives, was disbanded sometime about a year or so ago?

A. In October of 1936.

Q. In October of 1936, and the reason for that was Federal legislation?

A. That is right.

Q. Now, among that group of secret operatives there were several like Mr. Cousland?

A. There were.

Q. Who did not report on labor matters?

A. That is correct.

Q. Then isn't it the fact that your labor activities constituted such an important part of your work that you did not consider it important to go ahead with these other activities thereafter?

A. Please frame the question again.

Q. Now, if the type of work that Mr. Cousland did formed an important part of the Association's work with its members, why did they discontinue at that time?

A. It was not considered an important part of the Association's activities, and I stated a few moments ago it was only a very small percentage of our members that used that service. For that reason we decided to discontinue it altogether.

Q. You had considerably over one hundred special contract operative at that time?

A. No, we did not. We had 104 men over a four year period. It was around thirty-six at the time we decided to drop it.

Q. You had thirty-six secret operatives?

A. That is right.

Q. Do you have any idea as to how many of those thirty-six reported on labor matters?

A. Possibly a dozen out of the thirty-six.

Q. Possibly twelve out of the thirty-six?

A. That is right.

Q. (By Trial Examiner McCarthy.) Is it still the practice of the Association to destroy all reports, or do you receive any?

A. We don't receive any reports, we discontinued the service.

Q. (By Mr. Reynolds.) Then you didn't consider that the work that the other twenty-four secret operatives did was important?

A. We did not wish to continue with it because the employment of many men on that payroll was open to ques-

tion, and for that reason the Commissioner decided to 872 get out of it altogether.

Mr. Reynolds: Now, I believe that is all.

Trial Examiner McCarthy: Any questions?

Mr. Seyfarth: Yes, I have plenty of them.

Have you put in evidence this ledger or not, Mr. Reynolds?

Mr. Reynolds: No, I did not.

Mr. Seyfarth: You have read into evidence figures taken therefrom.

Mr. Reynolds: I don't know that all of the figures have been read in the record.

Trial Examiner McCarthy: They have been summarized, the total.

Mr. Reynolds: I don't believe we have summarized the totals either.

Mr. Abbott, can you do that?

Trial Examiner McCarthy: Briefly read the totals.

The Witness: I cannot, the cashier has not got it totalled here. I would not be able to do that.

Mr. Seyfarth: You might total them up, Mr. Reynolds, and I will stipulate on the totals, if you wish.

Mr. Reynolds: Very well, I will attempt to do that.

The Witness: It is quite an arduous job.

Trial Examiner McCarthy: Just in round figures.

Q. (By Mr. Seyfarth.) Mr. Abbott, you testified that your practice of having special operatives was discontinued in 1936.

A. That is right.

Q. And at the time it was discontinued approximately one-third of the operatives were reporting on labor matters.

A. That is right.

Q. And the other two-thirds were reporting on matters which are not germane to the subject of labor relations, is that right?

A. That is right.

Q. Was the reason why you discontinued the entire number at that time the fact that perhaps the presence of one-third of the special operatives on labor matters might lead the Labor Board and its agents to misconstrue the presence of the other two-thirds?

A. Absolutely.

Q. That is a fact, isn't it?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) It was fear of the Labor Board?

A. It was the Federal legislation under which the Board operates.

Q. (By Mr. Seyfarth.) Now, I show you these letters which are marked Board's Exhibit 18. Will you take 874 the first one, scan it through hastily, and state the gist of that letter?

A. A request for copies of the bulletin entitled "Some Questions and Answers Concerning the Wagner Act."

Q. And this was a booklet put out by you, was it?

A. It is a pamphlet.

Q. A pamphlet.

A. Yes.

Q. And it was designed to give enlightenment to your members on the subject of the Labor Relations Act?

A. And rights under the Act, if any.

Q. When was the document written, shortly after the Wagner Act was declared constitutional?

A. Sometime in the spring of 1937, yes, sir.

Q. Was it written by the attorney for your Association?

A. Yes, sir.

Q. The letter is addressed to you and was received from Mr. Walter Ostrand of the Link Belt Company?

A. Yes, sir.

Q. Requesting copies. He must have thought it was a good work. Now, how about the second letter?

A. It is a letter to Mr. Kauffmann indicating that we had sent several men copies of the bulletin entitled "Some Questions and Answers Concerning the Wagner Act."

Q. That refers to the same booklet, is that right?

A. That is right.

875 Q. The third letter?

A. That is addressed to Mr. Staske, employment man of the Chicago plant of the Link Belt Company, enclosing one hundred copies of the same bulletin.

Q. About the same date as the other two letters?

A. Yes.

Q. And relates to the same pamphlet, is that right?

A. Yes, sir.

Q. What is the next letter?

A. A letter to Mr. Sayre from Mr. Kauffmann, president of the Link Belt Company, asking us to mail a number of copies to six individual plant managers.

Q. That relates to the same booklet, does it?

A. That is right.

Q. And approximately the same date?

A. Yes, sir.

Q. What is the next letter?

Trial Examiner McCarthy: Are you going all through the exhibit?

Mr. Seyfarth: Yes, if the Examiner please.

Trial Examiner McCarthy: I think the Examiner will let the exhibit speak for itself.

Mr. Seyfarth: Well, if the Examiner please, it was certainly inferred by the questions of Mr. Reynolds and by your own questions that by far a greater percent- 876 age of the letters which made up the correspondence between the company and the Association referred to labor matters. Now, I would like to demonstrate that there were about a dozen letters approximately which went to the matter of the booklet that was prepared by the National Metal Trades Association.

Trial Examiner McCarthy: Off the record.

(Discussion outside the record.)

Mr. Seyfarth: I renew my request to go over these letters individually with the witness.

Trial Examiner McCarthy: The request is denied. The exhibit will speak for itself, although you can make a statement pointing out what you had in mind.

Mr. Seyfarth: Yes. For the purposes of the record I would like to point out that a large percentage of the correspondence between the Link Belt Company and the National Metal Trades Association has to do with matters other than labor matters, and those letters which do deal with labor relations are for the most part relating to a booklet which was prepared by the National Metal Trades Association entitled "Some Questions and Answers Concerning the Wagner Act."

Trial Examiner McCarthy: I think the record is clear now.

Q. (By Mr. Seyfarth.) Now, Mr. Abbott, how long has your association been in existence?

877 A. Since 1899.

Q. How many branch offices has the Association?

A. Twenty-six.

Q. Is it an unincorporated association?

A. It is not incorporated.

Q. Has it got a charter from any particular State of the Union?

A. No, sir.

610 *Witness for National Labor Relations Board.*

Q. It is a voluntary association, in other words?

A. Correct.

Q. What office do you hold in the Association?

A. I am acting as office manager.

Q. (By Trial Examiner McCarthy.) Of the—

A. Of the National office.

Q. Of the National office?

A. Yes.

Q. (By Mr. Seyfarth.) Where is the National office located?

A. 122 South Michigan, Chicago.

Q. Have you ever testified in labor relations hearings previous to today?

A. I testified in the hearing before the LaFollette Senate Committee in January, 1937, and I testified in the Fan Steel Case in June, 1937.

Q. Just those two occasions?

A. That is right.

878 Q. Is it a fact, Mr. Abbott, that your Association sells a service to its members?

A. They do.

Q. What information is included in these various services that you sell or furnish to your members?

A. Apprenticeship training, safety posters, foremen's training, industrial cooperation, reports on group insurance, thrift plans, reprints of articles from the press.

Q. (By Trial Examiner McCarthy.) On any particular subject?

A. On any particular subject, on anything that might be of interest to our membership.

Q. Other than those you have already listed?

A. Yes.

Q. (By Mr. Seyfarth.) Do you give any information on taxes?

A. Very rarely.

Q. Very rarely?

A. Very rarely. We have a publication which goes to our membership.

Q. What is the name of that publication?

A. "The Metal Trades Digest."

Q. What are the subjects of the articles in that trade magazine? Has the magazine got anything to do with new methods employed in the industry?

A. That is right.

Q. (By Trial Examiner McCarthy.) What industry?

879 A. The metal trades industry.

Q. (By Mr. Seyfarth.) Do your reports or the service which you give to your members include new processes, new inventions of one kind or another, as they affect the metal trades industry?

A. That is correct.

Q. What other services do you furnish to your members?

A. We issue a bulletin on unemployment compensation laws in the different states, and have men going around the country delivering addresses on that subject.

Q. Now, Mr. Abbott, am I correct in assuming that those are general services that you supply your members?

A. They are usually free of charge, yes, sir.

Q. They are free of charge?

A. Yes, sir.

Q. Now, are there any special services that you supply them for which they have to pay an additional sum of money?

A. A service on the training of apprentices and foremen's training. The member pays for that at cost.

Q. Any other service for which the members pays additionally?

A. I think that is the only one.

Q. Were there any other services for which the members paid additional money during the year 1936?

A. No, sir, we have had the same rate of dues since 1899.

880 Q. Now, there has been some testimony here concerning operatives. Did you furnish operatives to your members?

A. You mean confidential operatives?

Q. Confidential operatives.

A. We did.

Q. Did you charge a special fee for that service?

A. That was at a margin of \$25.00 to \$50.00 a month above what we paid the men.

Q. Above what you paid who?

A. Paid the operative.

Q. In other words, you paid the operative?

A. We paid the operative and billed the member ordinarily at a margin of \$25.00 to \$50.00 a month.

Trial Examiner McCarthy: May I interrupt here?

Do I understand that you paid Cousland's expenses, that averaged around \$10.00 a month, and collected \$50.00 a month for doing that?

A. No, we billed the company at cost.

Q. (By Trial Examiner McCarthy.) Where does the \$50.00 come in?

A. On some other assignment, it does not apply to this one.

Q. (By Mr. Seyfarth.) Would you classify Mr. Cousland as being a special operative?

A. I did not.

Q. You did not?

881 A. I did not.

Q. Did you at any time so classify Cousland?

A. Not on that basis. Ordinarily these men are guaranteed anywhere from \$175.00 to \$200.00 a month. This man was paid on an average of seven or eight dollars a month.

Q. Who first made the arrangement with your Association to have Cousland in the plant of the Link Belt Company?

A. That was before my time in the Association.

Q. You don't know anything about it?

A. I don't know anything about it.

Q. (By Trial Examiner McCarthy.) Do you know when he was hired?

A. In October, 1915.

Q. That was while the War was going on?

A. That is right.

Q. (By Mr. Seyfarth.) What was your understanding regarding Cousland when you took over your duties with the Association?

A. I was told he was an old employee of the company who had been there for some time, and that he was very competent as a production man, and for that reason the company had continued their arrangement for a good many years simply to keep him working in the shop.

Q. Did you have other men that you designated as operatives in the factories of other of your members
882 who were similar to Cousland?

A. We did.

Q. Was the amount that was paid those men approximately the same as the amount paid Cousland?

A. It was a great deal more?

Q. It was a great deal more?

A. Yes.

Q. And would you say that the work and the duties of the men in the other plants was the same as the work and the duties of Cousland?

A. Well, their reports were probably a great deal more in detail than Cousland's were.

Trial Examiner McCarthy: May I interrupt?

Mr. Seyfarth: Yes.

Q. (By Trial Examiner McCarthy.) Were instructions given you about Cousland of such a nature as to indicate that Cousland was on a pension?

A. No, not on a pension, but he was a sort of a pace setter in the department, and I was told that when the foreman would go on his vacation in the summer that Cousland would step in and take his place during his absence.

Q. (By Mr. Seyfarth.) Now, you received reports, I take it, from Mr. Cousland on time studies and on production matters?

A. Correct.

883 Q. Did you receive reports on time studies and production methods from your other operatives in other plants who were similar to Cousland?

A. We did.

Q. (By Trial Examiner McCarthy.) What do you call a report on a time study?

A. What the men are making at the piece work rates, and whether there is dissatisfaction over the arrangement, whether the men are able to make the time on the job and under the piece work rates which may be set by the Company.

Q. (By Mr. Seyfarth.) After you get reports from these various men on time studies and production methods, do you collaborate all the information which you receive from the various operatives?

A. No, sir, it is handled as individual reports.

Q. Did you ever make a graph out of those time studies or production methods which you received?

A. I did not.

Q. Did you ever furnish other members in your industry with information which you had received, say, from the Link Belt Company?

A. No, sir.

Q. Did you ever furnish the Link Belt Company information that you had received from other plants that were members of your Association?

884 A. We did not.

Q. How many employees have you got in your office?

A. About thirty-five with our field men.

Q. Did you consider the reports sent in by Cousland and other similar operatives as of a strictly confidential nature?

A. I do, yes, sir.

Q. Was that the reason you destroyed them?

A. That is correct.

Q. Was there any other reason in your mind which impelled you to destroy them?

A. In the last couple of years there have been attempts to force our office door. I don't know the source of it, but I made it a practice to destroy that material every day in order to protect these individuals.

Q. Were you destroying this material before attempts were made to force the office door?

A. About once a week, after that I made an effort to see that it was destroyed every day.

Q. Prior to the attempted burglaries of your office will you state that you destroyed those reports once a week?

A. Once a week.

Q. And after the attempts to burglarize your office will you now state that you destroyed them every day?

A. Every day, yes, sir.

Q. (By Trial Examiner McCarthy.) What did you 885 have to protect these men for?

A. Well, some of them are reporting on union matters, and I did not feel I wanted them to get slugged.

Q. (By Mr. Seyfarth.) Now, Mr. Abbott—

Q. (By Trial Examiner McCarthy.) Just a minute. What are the other reasons?

A. We had always assured these men if they went on that basis we would protect their identity, it was a confidential operation.

Q. In what way was it confidential?

A. Why, we did not feel that it was something to be broadcast to the public.

Q. (By Mr. Seyfarth.) You felt at the time—

Q. (By Trial Examiner McCarthy.) Just a minute, just a minute. What was in those reports that the public should not know about?

A. Well, it depend on what part of the public was interested, whether it was the general public or the union men.

Q. Union men. What was in the reports that the union men would be interested in?

A. It was reports on organizers within the community.

Q. Within the plant?

A. There have been reports on bombings in Chicago,

which you may recall, on the part of a union where several people had their houses blown off the lots. We had a 886 man working on that, and we did not feel that the business agent of that union should realize what the connection of the man was and what he was doing.

Q. In a case like that I can well appreciate it, but was Cousland's case of that nature?

A. What?

Q. Was the Cousland case of that nature?

A. No, it was not.

Q. But you treated it the same way?

A. We treated it the same way, all of them.

Q. (By Mr. Seyfarth.) Now, the Link Belt Company paid your organization how much a year, Mr. Abbott?

A. I believe the record shows for the Chicago branch \$600.00.

Q. \$600.00?

A. Yes.

Q. Did that include the general services which you gave all the rest of your members in this area?

A. That is correct, yes, sir.

Q. And it included no special services whatsoever?

A. Except an extra billing there for the superintendents and foremens club; that is all that entered into it.

Q. Did it include the bill of Cousland or was that an additional matter?

A. That was an additional matter.

887 Q. That was a so-called special operative matter?

A. Yes.

Q. (By Trial Examiner McCarthy.) What was the billing of Cousland?

Mr. Seyfarth: The billing of Cousland was \$9.00 a month, that was the compensation paid him.

Q. (By Trial Examiner McCarthy.) Is that what you are referring to?

A. The billing of Cousland was separate from the regular assessments for dues.

Q. And the billing you referred to is the \$9.00 a month?

A. For Cousland, yes, sir.

Q. (By Mr. Seyfarth.) Now, were the services that the Link Belt Company received for the \$600.00 sent out without correspondence?

A. By our local plant man who keeps in contact with all the members in the district. He gets around to all of them every month or so.

Q. I mean poster information and the like of that.

A. Yes, sir.

Q. They were mailed out?

A. They sent out posters and things like that.

Q. Was this a case, Mr. Abbott, of Cousland billing you just about as much as he thought the traffic would bear?

A. I did not consider the amount excessive for the 888 results he was probably obtaining in the plant.

Q. \$9.00 a month is not very much.

A. It probably kept him in about cigarette money, that is all.

Q. (By Trial Examiner McCarthy.) It was something over and above his actual expenses?

A. I don't know how he spent the money, I have never seen the man.

Q. (By Mr. Seyfarth.) By expenses, Mr. Abbott, do you mean money that he may have spent in carfare going down to a meeting where time studies were discussed, or do you mean in addition thereto, the number of hours per month that he would have to spend making out these reports?

A. The time that he would probably have to spend in making out these reports.

Q. Did you feel that he was entitled to compensation for that additional time that he spent in making out these reports?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) It was not expense, it was pay?

A. It was always listed as incidental expenses, and that is what he was paid. It was never listed as union dues.

Q. (By Mr. Seyfarth.) It was not?

A. No.

889 Q. I didn't think it would be. Would you say that one of the reasons in addition to those already stated for having destroyed the reports of Cousland was that there was a possibility of their getting into the hands of competitors of the Link Belt Company?

A. I doubt whether that question entered into it.

Q. You don't think that that entered into your mind?

A. No, sir.

Q. And it was merely a routine at the office?

A. Yes, that is right.

Q. Was that a routine that you had followed for many years?

A. It has been the practice for a number of years to destroy the reports every week, and then later every day.

Q. Before the advent of the Wagner Act?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) It really would have been much simpler for Cousland to go in and see Berry and save all that typewritten work.

A. It could have been done that way.

Q. Why wasn't it done that way, do you know?

A. I don't know, it was an arrangement which hung on there for years.

Q. (By Mr. Seyfarth.) Are you able to state unequivocally at the present time that all of the reports of Cousland which you ever saw contained no information regarding labor relations?

A. They did not.

Mr. Seyfarth: That is all.

Cross-Examination.

Q. (By Mr. Wham.) Is it possible that you might have at times compiled all this information together in a table or something and sent it out to your members?

A. We did not.

Mr. Wham: That is all.

Redirect Examination.

Q. (By Mr. Reynolds.) Mr. Abbott, I call your attention again to your testimony before the Senate Committee, discussing the special contract operatives, that you have testified that there were thirty-six, I believe, is that right?

A. Yes.

Q. Senator LaFollette asked:

"At the time that you had approximately thirty-six of these special contract operatives, how many of them were assigned to general investigatory work, approximately?"

Your answer was:

"Probably eight or ten."

Is that right, probably eight or ten engaged in general investigatory work?

A. That may be correct, yes.

891 Q. Then Senator LaFollette:

"What is the usual objective of the special contract operative investigation?"

You answered:

"To determine any number of things, attitude of employees toward the company, satisfactory working condi-

618. *Witness for National Labor Relations Board.*

tions. The foreman might be getting a kick-back from the men on their wages, which should be discouraged. As a matter of fact, they conduct a general investigation within the shop, and report on things, both good and bad. They are instructed to make such favorable comment as they can."

Q. Was that your answer?

A. Yes.

Q. And then Senator LaFollette asked:

"Do they investigate the attitude of employees toward labor organizations?"

Your answer:

"They probably do, yes, sir."

Then Senator LaFollette asked:

"That is a customary practice, for them to report on those conditions?"

Your answer was:

"Yes, sir."

Is that correct?

892 A. That is right.

Q. Then the Senator asked you:

"If they find, for example, that the men in the plant are interested in a particular union or something of that kind, it is a part of the operative's work, I suppose, to report that, is it not?"

Your answer was:

"Yes, sir."

Is that right?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Along that same line, did Cousland ever make any such report to you?

A. No, sir.

Q. (By Mr. Seyfarth.) Was he one of those eight or ten that you had reference to in there?

A. No, he was not.

Q. (By Mr. Reynolds.) Now, Senator LaFollette was not asking you about the work done by the eight or ten doing general investigatory work alone, was he?

A. I would not say, he is pretty fast, and you have to answer quick to keep up with him.

Q. Didn't you understand that he was asking you about the thirty-six special contract operatives?

A. I don't recall the testimony, the record will speak for itself.

893. Q. Now, Senator LaFollette a little later introduced a report signed by Special Contract Operative No. 419,

saying "Under date of"—this is Senator LaFollette's preliminary statement, he says:

"Under date of September 3, 1937, a report signed by No. 419, which I will offer as an exhibit, and which will be printed in full in the record. I will read just a portion of it:

"In further regard to the Getty shop, if some way is not found and decided on to get over making a union shop out of this shop, it will be the means of making a number of others organized union shops, and this is to be used on the men in the other shops, if it becomes a union shop, as all the men in Getty shop have promised and are willing to help organize other shops by explaining just how they did it and got away with it.

"It has been stated by Neubold that the head of the firm made the statement that he is thinking of closing the place down for want of orders. He says the firm is not busy, making stock, so the men are looking for some kind of lay off on account of business being slow. If Neubold and one or two others could be eliminated, there would be no trouble, but keep away from union matter. If done, 894 it must be done quickly, with some good discretion used.

Foley and Auld have circulars ready to hand out about how Getty's became organized as soon as word is received from headquarters that they will back the men up. These circulars will tell the men in open shops how it was arranged and accomplished and that the bosses did not fire anyone nor did anyone lose any time over it."

And he offered that exhibit in evidence.

Do you remember that report?

Mr. Seyfarth: I will object to the question, and I object to what counsel—

Trial Examiner McCarthy: He has not put any question yet.

Mr. Seyfarth: He just asked him if he read that report. I am asking that the question be stricken because it is prejudicial. What Operative No. 419 did in the Getty plant has no bearing here.

Mr. Reynolds: I haven't finished yet. Give me a little time.

Q. (By Mr. Reynolds.) Now, didn't Senator LaFollette question you about that report, saying:

"That would be a typical report, would it not?" To which your answer was:

"Yes"?

895 A. That record—

Mr. Seyfarth: I object to the question, Mr. Exam-

iner. What Senator LaFollette said before the Senate Committee and asked a witness upon the stand—

Mr. Reynolds: The same witness.

Mr. Seyfarth: Especially when it is not for the purpose of impeachment, but rather for the purpose of prejudicing the company.

Trial Examiner McCarthy: I expect Board's counsel will couple it up. The objection is overruled.

Q. (By Mr. Reynolds.) Then Senator LaFollette said to you:

"As a matter of fact, Mr. Abbott, are not these men primarily instructed to report on labor conditions, the attitude of the employees toward labor organization and the agitation for organization of shops and plants?"

To which your answer was:

"By no means; no, sir."

Is that right?

A. Yes.

Q. Then he asked:

"Isn't that one of the main things which they reported on?"

To which you answered:

"Yes, sir."

896 Then Senator LaFollette said:

"How many of these men were members of labor unions?"

And your answer:

"I should say possibly twelve."

Q. (By Trial Examiner McCarthy.) Do you have any knowledge as to Cousland's labor union activity?

A. I testified previously that I was satisfied that he never belonged to any union, according to my knowledge.

Q. (By Mr. Reynolds.) Some of the other special contract operatives were members of labor unions?

A. They reported on union meetings.

Mr. Seyfarth: If the Examiner please, I am going to ask what has been read from the Senate Committee report be stricken from the record bodily.

Trial Examiner McCarthy: Overruled.

Q. (By Mr. Reynolds.) That is the only means you had of knowing whether any of your special operatives were members of unions, from their reports?

A. I may have talked with some of the men and knew that, but this man, I have never seen him since he has been with the organization.

Q. Would you say that any of these ten or twelve men which you have knowledge of, who were members of unions,

joined because they believed in the union and communism?

897 Mr. Seyfarth: I object to that question.

Trial Examiner McCarthy: Sustained.

Q. (By Mr. Reynolds.) Do you know why these men joined unions?

Trial Examiner McCarthy: I sustained that objection. It is not germane.

Mr. Reynolds: That is all.

Mr. Seyfarth: That is all.

(Witness excused.)

Mr. Reynolds: Mr. Kalamarie, take the stand.

JOHN KALAMARIE, a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination.

Q. (By Mr. Reynolds.) State your name and address.

A. John Kalamarie, 2720 North Monitor.

Q. You formerly worked for the Link Belt Company?

A. I did.

Q. What was the last day on which you worked?

A. November 30, 1937.

Q. Prior to November 30, 1937, how long had you been employed by the Link Belt?

A. Twenty-five months.

Q. How long?

898 A. Twenty-five months.

Q. Twenty-five months?

A. Yes.

Q. What department did you work in?

A. South side, chipping room.

Q. Chipping room?

A. Yes.

Q. Are you a member of the C. I. O.?

A. I am.

Q. When did you join the C. I. O.?

A. About the third week in March, 1937.

Q. Who asked you to join the C. I. O.?

A. I heard there was a C. I. O. movement going on, and I happened to find out there was one of their meetings being held and I went down to the meeting hall and I joined.

Q. Did you join at the meeting hall?

A. I did.

Q. Following that time did you attend C. I. O. meetings?

A. I did.

Q. Were you active in the C. I. O.?

A. I was.

Q. Did you solicit membership?

A. I did.

Q. Where did you carry on that activity of soliciting membership?

899 A. I carried on the activities outside the plant, in the morning, in the evening, when I was going to work in the morning, when I was going home from work, during the lunch hour in the shop.

Q. Did you, at any time, see solicitation for the C. I. O. in the shop during working hours?

A. I did not.

Q. Now, do you recall when the Independent Union started?

A. Well, I think it was about between the first and the last—around the second week in April, or the first week of April, 1937.

Q. Now, how did it first come to your attention?

A. Well, the first thing I knew of it, I heard talk around the men, everybody was talking about the Independent Union; and I had an opportunity of seeing my foreman, the night shift boss, George Bellop, soliciting members in the Independent Union at around three o'clock in the morning, right after the lunch hour.

Q. That was about what date?

A. Well, I think it was about the 22nd or the 21st of April, right in there somewhere.

Q. Now, do you know how Mr. Bellop happened to do that soliciting at that time?

A. Yes, I do. When I saw him, I went into the office to see him about some work, and he called my attention to
900 a note which he had from—I believe it was signed by McKinney.

Q. Who is he?

A. He was the foreman on the day shift at that time.

Q. Is he superior to Mr. Bellop?

A. He is.

Q. What did this note say?

A. This note instructed George Bellop to pass this document around, which was headed—I have read it, but I have forgotten it—and ask the men to sign it.

Q. Do you know in general what the substance of the heading on that paper was?

A. It was the Independent Union of Craftsmen, that was the heading of it.

Q. What further did Mr. Bellop say about that?

A. He said he didn't know what to do about it.

I told him, "If that is your orders, at least you will have to follow out the orders."

So he took the paper around to have the men sign up.

Q. Did he ask you to sign up?

A. He did.

Q. What did you tell him?

A. I told him I didn't care to, I didn't care about it.

Q. Did you observe him take the paper to other employees?

A. Yes, I did.

Q. Were the other employees working at that time?

901 A. They were.

Q. Do you know anybody which was signed up by Mr. Bellop?

A. Not to my knowledge, I didn't see anyone sign it; the ones he approached all refused.

Q. Do you remember anybody he approached?

A. Yes.

Q. Who did he approach?

A. I seen him approach this fellow Mike Karbol, and my helper, John Plyjo. I seen him approach Herman—I don't know his last name, and his helper, Alex.

Q. Did anyone else ever ask you to sign up in the Independent Union besides George Bellop, your foreman?

A. No, they did not.

Q. George Bellop was your foreman?

A. Yes.

Q. Did you see any activities of the Independent Union around the plant after that time?

A. Well, yes. After I was transferred from the night shift to the day shift, I was working days for about two or three days when I seen Bill Sterling, I think his name is, collect dues for the Independent.

Q. Who is Bill Sterling?

A. He was a steel inspector.

Q. Steel inspector?

A. Right.

902 Q. Was that during working hours?

A. It was.

Q. Who did you see him talk to?

A. I seen him talking to Carl Engstrom, I think his name is.

Q. Anyone else?

A. I seen him talking to a couple of other fellows, but I don't recall their names.

Q. Anybody ever approach you for dues in the Independent Union?

A. No, they have not.

Q. Now, on the last day you worked for the company, what occurred?

A. You mean when I was laid off?

Trial Examiner McCarthy: Yes.

Q. (By Mr. Reynolds.) Yes.

A. Well, I remember distinctly it was Tuesday, November 30th, at about a quarter to eight.

Q. (By Trial Examiner McCarthy.) In the morning?

A. No, I will take that back, it was about a quarter to seven in the morning, when Bill Morely approached me and told me he wanted to see me in the office.

Q. Who is Bill Morely?

A. He was my boss that time. So I followed him in, and he gave me my pay envelope and told me the 903 company was cutting down on the force, and I was next in line and I had to go.

And I come back and I asked him, how about the seniority rights?

He said, "I don't know anything about that, that is orders, to lay you off, and I don't know anything else about it."

I said, "I will see Mr. Skeets."

He says, "You have that privilege if you want to."

I went in to see Mr. Skeets about two days later, to see if I will get my job again.

Mr. Skeets says, "Things are bad around here, we had to cut down on some lines, and with me being next in line we had to let you go."

I pointed out to him where there were two acetylene burners younger than I, and I wanted to know what about my seniority rights.

Q. What did you do in the plant?

A. First when I started there I was an acetylene burner.

Q. (By Mr. Reynolds.) How long did you work as an acetylene burner?

A. Out of the twenty-five months I worked there, I think about—I put in twenty-one months on the acetylene burner. The first month I put in as a helper, and the other three months I was on the electric welding.

Q. (By Mr. Reynolds.) The last twenty-five months you were on the acetylene burner?

904 Trial Examiner McCarthy: No, twenty-one, on the acetylene, and three months electric, is that right?

The Witness: That is right.

Q. (By Mr. Reynolds.) Now, did you name the men to Mr. Skeets?

A. Yes, I did.

Q. Who were they?

A. I know one of them by his name, Steve Kruma, and the other guy was Tony, I don't know his last name, but his first name is Tony.

Q. How did you know that they had less time with the company than you?

A. I was already a pretty old employee of the company when they began to work there, they had not worked for the company.

Q. Were they experienced at that time with that kind of work?

A. Yes, I broke in both men.

Q. You broke in both men?

A. Yes, sir.

Q. Do you know that they remained there after you left?

A. Yes, sir.

Q. What did Mr. Skeets say when you told him that?

A. I told Mr. Skeets about these two fellows being in there and I was going out.

He says, "I don't think it makes much difference, 905 it will only be a day or so before the rest of them will be laid off, we won't be using them."

But they were both working in there until last week.

Q. Until last week?

A. Until last week.

Q. Do you know what day they quit?

A. I think one got fired on a Thursday and the other got fired on a Friday, that is, laid off.

Q. What did you answer when he said that in a day or two they will be let out too?

A. I said I would like to work as long as possible, I would like to get in my time.

He says, "It is only a day or so."

With that I left.

Q. Did you ever go back again about your job?

A. No, I did not. I talked to a couple of fellows, and they says it was no use, they were only working a day or

two a week, and there was not enough work for the ones who were there. I didn't think it was necessary to go back.

Q. Does the company ordinarily call a man back when they lay him off and then have work for him later?

A. I guess that may be true in some cases.

Q. You have received no call to come back?

A. I never have, no.

Q. Now, what were your wages while you were 906 working at Link Belt?

A. I think they ran 68 and some tenths cents an hour, not quite 69 cents.

Q. How many hours a week were you working at the time you were discharged?

A. Forty hours.

Q. Forty hours?

A. Yes.

Q. Now, how long prior to the time you were discharged had you been making that amount?

A. Well, I would say about five months.

Q. Five months?

A. Yes.

Q. Now, since you were discharged have you made any money?

A. I have been working for the Government, W. P. A.

Q. W. P. A.?

A. Right.

Q. (By Trial Examiner McCarthy.) Have you done anything else?

A. That is all.

Q. When did you start working for the W. P. A.?

A. January the 23rd, I imagine.

Q. (By Mr. Reynolds.) January 23rd?

A. Right along in there.

Q. And what is your rate of pay on that job?

907 A. 50 cents an hour.

Q. 50 cents an hour?

A. Yes, sir.

Q. How many hours have you worked?

A. Fifty-five hours in two weeks, if we can get them in.

Q. What is that?

A. Fifty-five hours in two weeks, if we can get them in, that is, provided there is no rain or big snow or anything like that.

Q. 110 hours a month?

A. A month.

Q. Fifty-five hours is the limit that a man can make at that job?

A. That is the limit.

Q. Since January 23rd have you made the limit each month?

A. No, I haven't. I have only made around \$93.00, I think, so far.

Q. \$93.00 since January 23, 1938?

A. Yes.

Trial Examiner McCarthy: I understand that this is not considered earned income. Do you understand that?

Mr. Reynolds: I am not sure whether it is or not, but perhaps you are right. That is all I have.

Examination by the Chair.

Q. (By Trial Examiner McCarthy.) Have any of 908 the foremen had reason to criticize your work?

A. Well, I was classed as a good worker down there, always did my work right. Very seldom there was anything said about it, but I think in August of last year, around—well, the 15th, somewhere, the first part of August when I went in with Bozurich and James Griswold—

Q. You went in with them where?

A. I went in with them to see Mr. Berry.

Q. Then what happened?

A. To ask about the lay offs that were going on.

Q. You were on a grievance committee?

A. Yes, sir.

Q. Did you represent the C. I. O. in that?

A. I did.

Q. Does this relate to you? What we are ascertaining is your status in the plant.

A. You asked me if there was any question about my work.

Q. Yes.

A. I intended to point that out.

Q. That is right.

A. After we seen Mr. Berry, two or three days later I came to work—I was an electric welder at this time—and the night foreman, that is, George Bellop, approached me, and showed me an order he had from Bill Morely, stating that if I didn't do more and better work I 909 would get a week's vacation without pay.

Q. Did Bellop show that to you?

A. He showed it to me.

Direct Examination (Resumed).

Q. (By Mr. Reynolds.) Mr. Kalamarie—pardon me for interrupting—are you sure this was August and not November?

A. It might be in November, it was the latter part of the year, 1937.

Q. Do you remember whether you wrote out a statement about that matter?

A. I do.

Q. Would it refresh your recollection if I showed you the statement, about the time?

A. I would recognize it.

(Document handed to the witness.)

A. This is it all right.

Q. (By Trial Examiner McCarthy.) What is the date?

A. November the 18th.

Q. And not August 12th?

A. No, November 18th.

Mr. Seyfarth: November 18th?

Mr. Reynolds: November 18th.

The Witness: And thereafter he got that order from the office at that time, the way he read it to me, that I have to quit loafing, and he told me my work is not good enough.

910 Q. (By Trial Examiner McCarthy.) Were you loafing?

A. No, not at that time, not at no time.

Q. (By Mr. Reynolds.) This increased supervision began two or three days after you had been in with this committee to see Mr. Berry?

A. That is true.

Mr. Reynolds: That is all.

Cross-Examination.

Q. (By Mr. Seyfarth.) You started out as a laborer, didn't you, John?

A. That is right.

Q. A short time after that you got a job as an acetylene welder in the chipping room?

A. No, I was acetylene burner.

Q. (By Trial Examiner McCarthy.) What is the difference between a burner and a welder?

A. Well, the burner job is to cut off the gates, off the risers.

Q. That is the burner's job?

A. Well, the burners operate with gas. The welder is the one that fills up the holes.

Q. He is the man that actually handles that fire?

A. I do the same thing, but it is two different kinds of work. One fills in the holes in the cracks, patches up the cracks with an acetylene welder. The acetylene 911 burner cuts the gates off the castings.

Q. (By Mr. Seyfarth.) You were in the chipping room, were you?

A. Yes, sir.

Q. (By Trial Examiner McCarthy.) Shipping or chipping?

A. Chipping room.

Q. (By Mr. Seyfarth.) How many men were employed in the chipping room?

A. Well, in the chipping room there at what we call the south end, laborers and all, there was about thirty-five or thirty, something like that.

Q. When did you go on the night shift?

A. I went on the night shift I think the latter part of April, or May, something like that.

Q. (By Trial Examiner McCarthy.) 1937?

A. 1937.

Q. (By Mr. Seyfarth.) 1937.

A. Yes.

Q. Was there an increase in work at that time which necessitated extra work at night?

A. You mean when I went on the night shift?

Q. When you went on the night shift.

A. I may be mistaken, I think I went on the night shift in December.

Q. (By Trial Examiner McCarthy.) In December, 1936?

912 A. 1936, from a laborer.

Q. (By Mr. Seyfarth.) From a laborer?

A. Then I was sent back on the day shift in 1937, in May, I think it was, on the acetylene burner.

Q. On the acetylene burner?

A. Yes.

Q. What did you do on the night shift? You were an acetylene burner then, too, were you not?

A. Right.

Q. They put you on days at acetylene burner work?

A. Right.

Q. You started in May of 1937 and continued until the time that you were laid off?

A. No, I think I started around May, 1937, and until October 1937, when I was put back on welding on the night shift.

Q. On the night shift?

A. Yes.

Q. So you alternated at days and nights; started on days, shifted to night work, then you went back to days until October of 1937, and then the last month or so you were working nights?

A. I don't know whether it was October or not. I think I put in about three months on electric welding on the night shift. That would be July or August, somewhere around there. I know I put in three months on welding.

913 Q. That is what is known as arc welders?

A. That is right.

Q. How many arc welders were there in your department?

A. There was three of us there.

Q. Were the others all younger welders?

A. One was younger, one was older.

Q. Do you know what happened to the younger welder?

A. He was a younger man in the plant; but he was an older welder, but he got laid off before I did.

Q. He was a younger man?

A. I had more seniority rights.

Q. He was laid off before you were?

A. The day before I was.

Q. Then you were laid off the following day because you were the next youngest welder?

A. That is right.

Q. You say George Bellop was your night boss?

A. That is right.

Q. That is when you were working nights as an acetylene burner?

A. That is right.

Q. You were working in the chipping room?

A. Right.

Q. You say he solicited membership in the Independent Union?

914 A. That is right.

Q. And you specified either the 21st or the 22nd of April at three o'clock in the morning.

A. It was along that time.

Q. Did he solicit your membership?

A. He asked me to sign, and I refused.

Q. Was anybody else present at the time?

A. We were all working at the time, those fellows were working next to me. I don't know whether he signed them or not.

Q. Who was working next to you?

A. John Plyjo, he was my helper at the time.

Q. He was your helper?

A. Yes.

Q. You said that you went in the office and you saw Mr. Bellop, is that right?

A. That is right.

Q. What date was that that you went in the office, John?

A. I used to see him there frequently, pretty nearly every night I used to go in there, I don't know what you are referring to.

Q. I am talking about the occasion when you saw the note. What was the date?

Trial Examiner McCarthy: Pardon me, what was that?

Q. (By Mr. Seyfarth.) When you saw the note from 915 McKinney to Bellop, what was the date you saw that note?

A. The very evening that he solicited the memberships.

Q. That was the same evening?

A. That was the same evening.

Q. Was it before three a. m. when he solicited or after three a. m.?

A. We had lunch from two to two-thirty.

Q. Yes.

A. I will take that back, from two-thirty to three we had lunch, and it was about five minutes after that.

Q. He solicited you about three o'clock?

A. I would say five minutes after three.

Q. And then ten minutes after three you went into the office?

A. No, I seen that in the evening when I started work.

Q. What time in the evening?

A. Around ten o'clock, some place.

Q. That was the night before you were solicited by George Bellop?

A. That is right.

Q. Didn't you testify on direct examination that when you saw the note that he had at that time asked you to sign the paper?

A. I did not. At that time he asked me what he should do about it.

916 Q. Didn't he ask you to sign the paper then?

A. Not at that time, he did not, no.

Q. You were not in the office with him at that time?

A. I was not in the office with him at that time.

Q. Was anybody else present?

A. No, there was not.

Q. Do you know why he did not ask you to sign the paper?

A. He was in doubt what to do about it.

Q. Later he asked you to sign it?

A. Yes.

Q. In the presence of the other men?

A. I don't know whether they seen it or not.

Q. When he had you in the office all alone he did not ask you to sign it?

A. He did not ask me to sign it.

Q. What kind of paper was the note written on?

A. It was a white sheet of paper, about this size (indicating).

Q. Did you read it?

A. I did.

Trial Examiner McCarthy: Referring to tablet paper.

Q. (By Mr. Seyfarth.) Was the note signed by anybody?

A. It had a few signatures on it.

Q. Whose signatures were on it?

A. I don't recall.

917 Q. Did you see McKinney's signature at any time?

A. I seen it on that order he issued to George

Bellop.

Q. What kind of paper was the order written on?

A. It was a white sheet of paper. It was an order he would leave in the office of what he wanted to do, naming the articles he wanted finished, and different things, and this memorandum.

Q. What did it say?

A. It says, leaving you a form, a sort of a document to pass around.

Q. Did he use the word "form" or "document"?

A. Well, "document".

Q. Yes.

A. To pass around among the men to sign.

Q. Did it have McKinney's name signed to it?

A. McKinney's name was signed underneath.

Q. Do you recall what orders he gave out regarding the castings?

A. I do not.

Q. But you do remember the order regarding the paper?

A. I do.

Q. And this transpired, you say, in Bellop's office?

A. It did.

Q. Would you know McKinney's handwriting if you saw it?

A. I think I would, I would not be sure about that, though.

918 Q. Do you know Mr. McKinney?

A. I do.

Q. Now, you say you saw him take the paper around to Mike Karbol?

A. I did.

Q. What day was that?

A. The same evening.

Q. What time?

A. Oh, I guess it was about—I wouldn't be sure, but it was after three o'clock when he got to him.

Q. Was anybody else present?

A. I couldn't say that there was.

Q. You don't remember?

A. I don't remember.

Q. You saw him take the paper to your helper, John Plyjo?

A. I did.

Q. Was that the same evening also?

A. The very same.

Q. Did Plyjo sign it?

A. He did not.

Q. Is Plyjo still working for the Link Belt Company?

A. I guess he is, to the best of my knowledge.

Q. What time did he talk to Plyjo?

A. Right after he asked me to sign it.

Q. Was anybody present besides Plyjo and Bellop?

919 A. I don't remember.

Q. Then he talked to two men by the name of Herman and Alex?

A. Right.

Q. Where were they working?

A. About ten feet from me.

Q. You don't remember their last names?

A. I do not.

Q. Was anybody else present when he talked to Herman and Alex?

A. They were all working there.

Q. Who is Bill Sterling?

A. He is steel inspector on the chipping room shift, the day shift.

Q. When did you see him collect dues?

A. In the afternoon.

Q. What day?

A. I think it was in the afternoon. I don't remember what day it was, it may have been in June sometime.

Q. Who did he collect dues from?

A. Carl Engstrom.

Q. Was anybody else present?

A. There are some twenty-five or thirty men working on that shift. I guess they were all there, they had not laid off that day.

920 Q. They were present when he collected dues from Engstrom?

A. They were working right along there.

Q. Did you see any money pass?

A. I did.

Q. How did you classify yourself at the time, John, as an acetylene burner or as an arc welder, which was it?

A. I would say I was an acetylene burner more than anything else. I was just breaking in on an arc welder.

Q. Is an arc welder a better job than an acetylene burner?

A. I would not think so.

Q. Is one better than the other?

A. In preference, I would take the acetylene burner.

Q. Does one pay better than the other?

A. I imagine in some shops the electric welding does pay more.

Q. (By Trial Examiner McCarthy.) Did you get more money?

A. I did not, I got the same.

Q. (By Mr. Seyfarth.) Is it harder work to be an arc welder than an acetylene burner?

A. I think it is harder.

Q. You were able to do both jobs equally well?

A. No, I was just breaking in on the arc welder. I only had about three months, and it takes about three years to be any good if nobody shows you.

Q. You have been the acetylene burner on the night shift?

921 A. At first, then I went on days. Then I got my electric welding job.

Q. When you got your electric welding job were you working days?

A. I was working days at the time but the work in the electric welding was at nights.

Q. Did you ever do any electric welding in the daytime?

A. One day, about five hours.

Q. Now, would you say that the date that George Bellop showed you the note from Morely was November 20, 1937?

A. It would be right around that time sometime, maybe two or three days before or after.

Trial Examiner McCarthy: It was November 18th, after he refreshed his recollection from the statement.

Mr. Seyfarth: He says two days later than November 18th.

The Witness: November 18th was the day I went to see Mr. Berry.

Trial Examiner McCarthy: That was November 18th?

The Witness: Yes. It was two or three days after we went in to see Mr. Berry.

Q. (By Mr. Seyfarth.) Around November 20th?

A. Yes, sir.

Q. Was anybody present when George Bellop showed you that note?

922 A. No, there was not.

Q. Where did he show it to you?

A. I was coming in to work, and he just happened to step out of his office, and he had his order in his hand, and he gave it to me right outside the office.

Q. It stated if you did not do better you would get a week's leave?

A. That is right.

Q. Did you explain to him that you had been arc welding for just a short time?

A. I didn't say anything to George Bellop that evening. I got hold of Bill Morely the next morning and he wouldn't talk.

Q. Who wouldn't?

A. Bill Morely. I started to explain that I couldn't do better work because I was not experienced in the job, and he should not class me with the other welders.

Q. Then you were not doing your work on the arc welder as well as you could if you had been more experienced, is that right?

A. If I had been more experienced, I could have done better work.

Q. You feel that you could have done better work on the acetylene burner?

A. But for the work I was doing on the arc welding, I was doing very well.

923 Q. But you feel that you could do better work as an acetylene burner?

A. Yes, sir.

Trial Examiner McCarthy: It is five o'clock.

Mr. Wham: I would like to ask some questions, but I can do it in the morning.

Mr. Reynolds: I would like to have this witness disposed of tonight.

Trial Examiner McCarthy: How long will it take?

Mr. Wham: Not very long.

Trial Examiner McCarthy: We will take a five minute recess.

(A short recess was taken.)

Cross-Examination.

Q. (By Mr. Wham.) John, I haven't quite gotten straight yet who your foreman is or was.

A. At what time?

Q. Well, you had different foremen, did you?

A. At what time do you want to know who was my foreman?

Q. Just tell me who your foremen were at different times.

A. When I first started I had Bill Peters. Bill Peters was my foreman then.

Q. No, I mean in 1937.

A. In 1937?

Q. Start along about the first of April.

924 A. My last foreman was Bill Morely in April. On the night shift I had George Bellog, when I worked nights; on the day shift it was McKinney.

Q. You worked on a night shift at that time?

A. In April?

Q. In April.

A. I did.

Q. Did you later shift over to the day?

A. I did.

Q. And when was that?

A. Around May or June, along in there.

Q. Who was your foreman then?

A. McKinney.

Q. Who?

A. McKinney.

Q. Then later on was Morely your foreman?

A. Bill Morely later on was my foreman. They had

changed foremen along in June or July sometime, I don't know just when.

Q. That is, for a time it was McKinney, then Morely?

A. Yes.

Q. Now, on November 18th you say that George Bellop approached you and showed you an order from Bill Morely?

Trial Examiner McCarthy: He made some mistake, it was two or three days after the 18th, the day which 925 the grievance committee went in there.

Q. (By Mr. Wham.) Two or three days later, around November 20th, George Bellop approached you with an order from Bill Morely?

A. To what effect, to the effect I didn't—if I didn't do more work I would be laid off?

Q. What did George Bellop have to do with it?

A. I was back on nights.

Q. When did you go back on nights?

A. I don't know.

Trial Examiner McCarthy: He said in August.

The Witness: In August sometime.

Trial Examiner McCarthy: He said he was there three months.

Q. (By Mr. Wham.) George Bellop was your foreman nights?

A. Yes, sir.

Q. He was taking orders from McKinney?

A. Yes, sir.

Q. Bellop took orders under McKinney in April?

A. At that time, yes.

Q. You say you were in Bellop's office every night?

A. Not every night, but sometimes every night, when he needed me in there, he would tell me what work he wanted.

Q. You were rather confidential and friendly?

A. I will get along with anybody, as far as that goes.

926 Q. So when he got the proposition he asked you about it?

A. Not exactly, he sometimes would use his own judgment, and sometimes if he couldn't make it out, if he couldn't make out what the thing was, he would ask me about it.

Q. So when he got this note to solicit for the Independent Union he was a little bit puzzled by it and he asked your advice about it?

A. He did.

Q. You advised him that inasmuch as his superior officer, Mr. McKinney, had ordered him to do it, he had better go ahead and do it?

A. That is right, if he wanted to keep his job, I imagine he should.

Trial Examiner McCarthy: Keep your voice up.

The Witness: If he wanted to keep his job, I imagine he should.

Q. (By Mr. Wham.) You never solicited for the C. I. O. on company time, did you?

A. I did not.

Q. Just confined yourself to the forenoon, and afternoon after work?

A. That is right.

Q. You did quite a bit of soliciting at that time, didn't you?

A. I did.

927 Mr. Wham: That is all.

Trial Examiner McCarthy: That is all.
(Witness excused.)

Trial Examiner McCarthy: Nine-thirty tomorrow morning.

Mr. Reynolds: Mr. Examiner, I might say for the benefit of other counsel I only expect to have two or possibly three more witnesses. We have one man who has not been cross-examined by the Respondent.

Trial Examiner McCarthy: Novak?

Mr. Reynolds: Novak. I think besides him I will just have two more witnesses.

Trial Examiner McCarthy: Can we get through Saturday? How long do you think you will take?

Mr. Seyfarth: I don't know. Mr. Ford is out of town and will be back Saturday morning, and he can give you a better idea.

Mr. Reynolds: Can you cross-examine Mr. Novak?

Mr. Seyfarth: I think we will work that out.

Mr. Wham: I wonder if it would be possible to have an evening session?

Trial Examiner McCarthy: Off the record.

(Discussion off the record.)

Trial Examiner McCarthy: Nine-thirty tomorrow morning.

(Whereupon, at 5:15 o'clock p. m., Thursday, March 17, 1938, the hearing was adjourned to 9:30 o'clock a. m., Friday, March 18, 1938.)

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